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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 INTERVIEW OF: GARY COBY

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15 Wednesday, February 23, 2022

16

17 Washington, D.C.

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20 The interview in the above matter was held in Room 4480, O'Neill House Office  
21 Building, commencing at 10:10 a.m.

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2     Appearances:

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5     For the SELECT COMMITTEE TO INVESTIGATE

6     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8     [REDACTED] INVESTIGATIVE COUNSEL

9     [REDACTED] PROFESSIONAL STAFF MEMBER

10    [REDACTED] FINANCIAL INVESTIGATOR

11    [REDACTED] FINANCIAL INVESTIGATOR

12    [REDACTED] SENIOR INVESTIGATIVE COUNSEL

13    [REDACTED] SENIOR TECHNICAL ADVISOR

14    [REDACTED] CHIEF CLERK.

15    [REDACTED] STAFF ASSOCIATE

16

17

18     For GARY COBY:

19

20     DAVID HIBNEY

21     RYAN WHITE

22     JOHN NASSIKAS

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[REDACTED] This is the transcribed interview of Gary Coby, conducted by the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol, pursuant to House resolution 503.

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At this time, I'd ask the witness to please state your full name and spell your last name for the record.

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Mr. Coby. Gary Coby, C-o-b-y.

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[REDACTED] All right. This will be a staff-led interview, though members may choose to ask questions. Currently, I will note that there are no members present. My name is [REDACTED] and I'm an investigative counsel for the select committee. With me from the select committee are [REDACTED] senior investigative counsel; [REDACTED], financial investigator; and [REDACTED], investigator.

14

At this time, counsel, I'll ask that you identify yourselves for the record.

15

Mr. Hibey. David Hibey.

16

Mr. Nassikas. John Nassikas.

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Mr. White. Ryan White.

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[REDACTED] Now, Mr. Coby you are voluntarily here for this transcribed interview. I'm going to give you a few ground rules for the interview. There is an official reporter transcribing the record of this interview. The reporter's transcription is the official record of the proceeding. This interview is also being video recorded.

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Please wait until each question is completed before you begin to respond, and we will do our best to wait until your response is complete before we ask the next question. The reporter cannot note nonverbal responses, such as shaking or nodding your head, so

1 it's important that you respond to each question with an audible, verbal response.

2 Please give complete answers to the best of your recollection. If a question is  
3 unclear, please ask for clarification. If you do not know the answer, please just say so.

4 Logistically, please let us know if you need to take any breaks or have to discuss  
5 anything with your lawyers, we're happy to accommodate. There may be several of us  
6 asking questions, and also the members when they appear, if they do, may ask you  
7 questions. If you don't understand any question, just ask us to repeat it.

8 Do you have any questions before we begin?

9 Mr. Coby. No, sir.

10 [REDACTED] I will also note that we have two additional members of  
11 the committee observing over the Webex.

12 Mr. Nassikas. Who is that, [REDACTED]?

13 [REDACTED] We have [REDACTED], who is an investigator, and [REDACTED]  
14 [REDACTED], who is another member of the committee. And we have our chief clerk,  
15 [REDACTED].

16 EXAMINATION

17 BY [REDACTED]

18 Q Now, before we get started, Mr. Coby, do you remember meeting with us for  
19 an informal interview about a week ago?

20 A Yes, sir.

21 Q Now, today's interview will be very similar to that interview, and we'll go  
22 over -- we'll go through many of the same topics. We just ask that -- we have to make a  
23 new record here, so to the extent that we ask the same question, you should provide a  
24 fulsome answer here and not rely on your prior answer.

25 Now, can you provide us please with your date of birth?

1 A [REDACTED]

2 Q And what city do you reside in?

3 A Stuart, Florida.

4 Q And what's your cell phone number?

5 A [REDACTED]

6 Q And your email address?

7 A Probably the most relevant would be Coby, [REDACTED],

8 spelled [REDACTED]

9 Q Now, for that cell phone address were those which you used from  
10 November 2020 through January 2021?

11 A Yes. I also had another work email address that was utilized. It's [REDACTED],

12 [REDACTED]

13 Q Do you have an Instagram account?

14 A I do.

15 Q And what is that?

16 A That is Gary Coby. It's my name.

17 Q Okay. And what about the Twitter account?

18 A Not currently.

19 Q Okay. Did you have one previously?

20 A Yes.

21 Q And what time period did you have it?

22 A I had it until January 7th or 8th.

23 Q Okay. And what was your Twitter handle then?

24 A I believe @GaryCoby.

25 Q Okay. And when was the Instagram handle you provided what you had in

1 December of 2020 and January '21?

2 A Yes, sir.

3 Q And what's your educational background?

4 A High school, some college.

5 Q Where did you go to high school?

6 A Bowie High.

7 Q Okay. Now, I want to go through your professional background. Let's  
8 start in around -- start January of 2015. What was your professional role then?

9 A I worked at Intermarkets, which is a company that I worked for with  
10 publishers to, you know, monetize their advertisements, and I worked in sales.

11 Q Okay. And how long did you do that until?

12 A Until, I think, June or July of '15.

13 Q And what came next?

14 A I was hired at the RNC, the Republican National Committee, to be their  
15 director of advertising for digital.

16 Q And what does the director of advertising for digital do at the RNC?

17 A Manage and run paid digital media placements.

18 Q And in even more simple language, what does that mean?

19 A I run ads.

20 Q Okay. And what kind of platforms are those placed off?

21 A Facebook, Google, programmatically across the web.

22 Q Okay. How long did you -- how long were you in that role?

23 A Until, I think, Q1 2017.

24 Q Okay. Did there come a time where you began working for the first Trump  
25 campaign?

1           A     My role and employer never changed, but I worked under my role at the  
2     RNC with the Trump campaign.

3           Q     Okay.   So when did you begin to work with the Trump campaign?

4           A     When he became the presumptive nominee, the RNC could then work with  
5     him -- with him, because he's the presumptive nominee, and I believe that occurred in  
6     May or June of '16, because Cruz dropped out after Indiana.

7           Q     Okay.   Who did you report to as the director of advertising?

8           A     Gerrit Lansing, the chief digital officer for the RNC.

9           Q     Okay.   What was your next role?

10          A     I started Direct Persuasion in '17 after leaving that role.

11          Q     And what is Direct Persuasion?

12          A     Direct Persuasion is a paid digital media company that, you know, specializes  
13     more so in performance marketing.

14          Q     Now, what is performance marketing?

15          A     Performance marketing is basically focused on direct-response marketing.  
16     Direct-response marketing is where the objective is for the user to take an immediate  
17     action upon seeing the ad, whether that be a signup, you know, take a poll, take a survey,  
18     register to vote, donate, et cetera, that's performance marketing, very measurable.

19          Q     You started that in, when in 2017?

20          A     About the time I left the RNC, so, I don't know, Q1, Q2 '17.

21          Q     Okay.   Now, did you continue to work with either the RNC or, I guess, at  
22     that point, the Trump White House in some regard?

23          A     Not the White House.   The camp -- the Trump -- DJTFP, Donald J. Trump For  
24     President, existed for his 2020 campaign.   RNC was my first client at Direct Persuasion.  
25     I'm not sure when we started to work as a client with DJTFP or if TMAGAC, the joint

1 fundraising committee, the Make America Great Again Committee, if that existed yet and  
2 when we started to work with them, but eventually worked for all three of those  
3 employed Direct Persuasion.

4 Q And TMAGAC is T-M-A-G-A-C, right?

5 A Yes, sir.

6 Q Okay. Now, with regard to Direct Persuasion, what was your payment  
7 structure with the RNC?

8 A I had a retainer, a monthly retainer, and then a typical model that's in the  
9 paid media space where you get, you know, a cost-plus model where it's percentages  
10 spent.

11 Q And what was your payment structure with the Trump campaign?

12 A Whenever that started it was just the cost-plus model percentages spent.

13 Q And for both the Trump campaign and the RNC, the models that you just  
14 described remain the same through the 2020 election?

15 A Yes, sir.

16 Q Now, what is RealTime Media?

17 A RealTime Media is similar to Direct Persuasion. It's a performance  
18 marketing company, digital advertising. But it -- it works in the corporate nonpolitical  
19 space.

20 Q And do you own RealTime Media?

21 A I'm one of a couple owners, yes.

22 Q And did RealTime Media perform any work for the Trump campaign or the  
23 RNC in the 2020 cycle? And by 2020 cycle I'm referring to after the 2018 midterms  
24 through the 2020 presidential election.

25 A Understood. Very certain in the calendar year 2020, no, but pretty certain



1 zero in the 2020 -- in post-2018. I don't think ever, but certainly that timeframe.

2 Q Okay. And what is Opn Sesame?

3 A Opn Sesame is a peer-to-peer text messaging platform.

4 Q And for the record, Opn is stylized O-p-n?

5 A Yes, sir.

6 Q And it's -- when you say peer-to-peer texting platform, what does that  
7 mean?

8 A Peer-to-peer texting is a method of texting that's, you know, one-to-one.  
9 Every message is sent by an individual manually to another individual, yeah.

10 Q And how did that compare to what is commonly referred to as in-house  
11 texting? What's the difference there?

12 A I think it's short code texting or blast texting.

13 Q Okay.

14 A That's where a user is -- you're hitting a button once, and it's going to many  
15 people, and it's an automated method of texting.

16 Q And are individuals who -- when a campaign engages with blast texting, are  
17 those recipients, have they opted in to receive those texts?

18 A For short-code blast texting, yes, that's required.

19 Q And for the type of texting Opn Sesame does, have those individuals opted  
20 in yet?

21 A Some, but that is not part of the process like short-code blast texting.

22 Q What was the payment structure for Opn Sesame's services with regard to  
23 the Trump campaign?

24 A Cost per message, I think delivered. Cost per message.

25 Q Okay. And did Opn Sesame also work for the RNC?

1 A Yes, sir.

2 Q And was that the same cost structure?

3 A Yes, sir.

4 Q Now, publicly, you've been described as the digital director for the Trump  
5 campaign in the 2020 cycle. Is that accurate?

6 A Yes, sir.

7 Q As digital director, what was that role?

8 A Largely oversee the digital operation.

9 Q And what constitutes a digital operation?

10 A I guess, different channels would be, like, email, text, paid digital advertising,  
11 social media team lived underneath digital. That's the main things that would live under  
12 it. But largely we helped -- you know, largely we helped every department on the  
13 campaign, because, obviously, digital was everywhere. And so every other part of the  
14 campaign, you know, they needed some sort of digital component, and, you know, our  
15 objective was to be a sort of service arm for those different departments to help them  
16 achieve their goals.

17 Q And then as a digital director for the Trump campaign, were you paid a  
18 salary?

19 A No, I was not an employee of the Trump campaign.

20 Q Okay. How would you describe yourself?

21 A I was a vendor.

22 Q So help me unpack that, because you have the title digital director of the  
23 Trump campaign, correct?

24 A Yes, sir.

25 Q And separately, you own Opn Sesame and Direct Persuasion, provide

1 services to the Trump campaign and the RNC, correct?

2 A Yes, sir.

3 Q Now, when you say you're a vendor, do you mean that you don't -- you  
4 didn't see yourself part of the campaign?

5 A No, I mean, I worked on it. I was the digital director, but my -- you know, I  
6 was not an employee. And in 2016 Parscale set a precedent, at least where he was a  
7 vendor, and also the digital director. I think he was probably the first in that type of  
8 scenario, but I believe I've seen it since in other campaigns.

9 Q Now, have you heard of American Made Media Consultants?

10 A Yes, sir.

11 Q What is that?

12 A Common thing in presidential politics at least is for campaigns to build an  
13 entity where all their media spend goes through, and that's what AMMC, American Made  
14 Media Consultants, was for DJTFP.

15 Q Did Opn Sesame bill AMMC for its work for the Trump campaign?

16 A Yes.

17 Q And did Direct Persuasion bill AMMC for the work on the Trump campaign?

18 A Yes.

19 Q And who worked for AMMC?

20 A I believe Sean Dollman and Alex Cannon.

21 Q And did Sean Dollman have another role with the Trump campaign?

22 A I believe his official title was CFO.

23 Q And did Alex Cannon also have a role with Trump campaign?

24 A I don't know what his title was, but he was a lawyer.

25 Q And did you understand AMMC to be an independent entity from Trump

1 campaign or better described as an extension of it?

2 A Yeah, I mean, their focus was the Trump campaign. I don't know if  
3 "extension" is the proper word, but it was created for the Trump campaign.

4 Q What I'm asking you is, was it run by members of the Trump campaign?

5 A Yeah, Dollman and Cannon were the facilitators of that, and they worked on  
6 the campaign.

7 Q And did it have, as far as you knew, any other -- did it provide services to any  
8 other entity besides the Trump campaign?

9 A I think the Make America Great Again Committee, but I assume you're --

10 Q Yeah.

11 A -- calling that. I don't believe so.

12 Q Okay. Do you know any other employees besides Sean Dollman or any  
13 other individuals associated with AMMC besides Mr. Dollman and Mr. Cannon?

14 A No. I mean, there's media reports early on, but not independent  
15 knowledge or knowledge I had of others.

16 Q So you only interacted with those two with regard to AMMC?

17 A I believe so, yes.

18 Mr. Nassikas. And, [REDACTED] I think it's a good time to say, obviously everything  
19 Mr. Coby says is to the best of his recollection, doing his best in good faith here.

20 BY [REDACTED]

21 Q Yes, that's understood, Mr. Coby.

22 A Thank you.

23 Q Let's turn -- let's focus our timeframe on the 2020 presidential cycle going  
24 forward. As digital director, where did you -- starting in January 2020, where did you  
25 physically sit?

1           A    The fifth floor of where the RNC annex, which is where, you know, largely  
2   the campaign was. Our campaign was on the 14th floor. The digital team, including  
3   myself, was on the fifth floor.

4           Q    When you say the digital team, kind of break that down for us. Who's on  
5   the digital team?

6           A    Yeah. It's a big team with multiple organizations and vendor teams all  
7   working together as one, that includes RNC staff, DJTFP staff, maybe a half dozen vendor  
8   teams.

9           Q    Let's talk about the vendor teams. Who were the vendor teams?

10          A    Direct Persuasion, Opn Sesame, FP1, I don't know if Conservative Connector  
11   was in there, but they may have been or just occasionally, and then individual kind of  
12   contractors, I believe. Parscale Strategy, I believe it was called then, they likely had staff  
13   there as well, not 100 percent certain. They also had an office in Florida. And, yeah,  
14   that's how I would summarize.

15          Q    And what did FP1 do for the campaign?

16          A    FP1, you know, on campaigns you wore many hats, but I would say their  
17   primary focus was on measurement analytics.

18          Q    What does that mean?

19          A    Measuring the results of spending money and how it's performing against an  
20   objective.

21          Q    And spending money in what -- in what space?

22          A    Digital, digital ads, text, email.

23          Q    So is it fair to say they were seeing how the digital spend, whether it was  
24   successful or not at its aims?

25          A    They were amongst that team, yes.

1 Q And who led the FP1 team?

2 A Chris Georgia.

3 Q And what did Conservative Connector do in the campaign?

4 A Conservative Connector is a email list broker, and so, they help their clients,  
5 they help the campaign and the committee rent email lists.

6 Q And are those email lists you send out fundraising appeals to you, for  
7 example?

8 A Yeah, potentially not all fundraising appeals, but yes.

9 Q Okay. And what other things are email lists used for?

10 A Maybe GOTV, get out the vote, register to vote, maybe attend a rally, but  
11 primarily it's a fundraising goal.

12 Q Okay. And Parscale Strategy, what did they do to the best of your  
13 knowledge?

14 A They had a bunch of hats, but they managed a website, DevOps, did a lot of  
15 work on the creative side. They have a ticketing system for rallies, worked on the app,  
16 the Trump campaign app. I think I said creative video and static.

17 Q Now, did you say something about ops, DevOps?

18 A DevOps, development ops, development operations, so, you know,  
19 engineered web development.

20 Q Does that mean, like, how the website works?

21 A Yeah, like making sure, you know, the data pipes, you know, when someone  
22 signs up, that it goes to a system where then an email fires out, and it goes into a  
23 database, you know, and also, you know, keeping a website up that is getting attacked or  
24 cyber attacked, that type of thing.

25 Q Okay. Let's talk a bit about the individuals that reported to you as digital

1 director. Who were your direct reports?

2 A I had a senior team, you know, they had other bosses as well, but my senior  
3 team was made up of Kevin Zambrano, Austin Boedigheimer, Daria Grastara.

4 Q And just so we're clear on the record, Austin Boedigheimer is  
5 B-o-e-d-i-g-h-e-i-m-e-r?

6 A Okay.

7 Mr. Hibey. Just how you expect it to be spelled.

8 [REDACTED] That's really more for somebody else's sake.

9 BY [REDACTED]

10 Q So we have Kevin Zambrano, Austin Boedigheimer?

11 A Daria Grastara.

12 Q And that's G-r-a-s-t-a-r-i-a, I believe?

13 A Sounds right.

14 Mr. Hibey. I don't think there's an "i." I think it's --

15 Mr. Nassikas. Yeah, I don't think there's an "i." I think it's --

16 Mr. Hibey. It's G-r-a-s-t-a-r-a.

17 BY [REDACTED]

18 Q That sounds like it to me. All right.

19 A Jen Harrington, she -- or Jen Weinstein. She got married. Christian

20 Schaffer, Jess Woodie, Jessica Dominice, Chris Georgia. Did I miss anyone?

21 Q Was Kate Faraday on the team?

22 A Oh, yeah, Kate Faraday. Thank you. Sorry. I think that's a complete list.

23 Q Okay. Let's start with Kate Faraday. What did she do?

24 A Kate Faraday was operations.

25 Q What does that mean?

1 A Onboarding, hiring, interviewing, I guess HR.

2 Q So fair to say she handled a lot of the administrative type of leadership?

3 A Yes, sir.

4 Q And Chris Georgia led the FP1 team, correct?

5 A Yeah. Chris, big thinker, you know, would strategize and talk, you know, a  
6 lot. He was FP1 team and I would say the measurement analytics team.

7 Q Okay. And what did Daria Grastara do?

8 A She led the paid digital ads team.

9 Q And by paid digital ads, is that the work that Direct Persuasion was doing?

10 A Yes, sir.

11 Q Was she a Direct Persuasion employee?

12 A Yes, sir.

13 Q And what about Kevin Zambrano?

14 A Kevin Zambrano was the chief digital officer at the RNC.

15 Q And what did you understand him to be doing in that role?

16 A You know, the RNC, there's a lot of, you know -- he was the head of digital at  
17 the RNC. His superior is Richard Walters, and -- so, he was the authority at the RNC,  
18 and, you know, that role has many hats as being the head of digital, whether it's  
19 managing that team or dealing with just building stuff of a national committee.

20 Q You said building stuff?

21 A Yeah, just like, you know, the -- I don't know how to describe it, the national  
22 parties, they've just got a lot of bureaucracy and, you know, that the senior people of  
23 every department needs to deal with, and he would have to deal with that.

24 Q What about Austin Boedigheimer?

25 A Austin led the fundraising team.



1 Q And do you know Austin's title?

2 A Deputy digital director at the RNC.

3 Q And as head of the fundraising team, what did you understand Austin to be  
4 doing?

5 A Oversaw the variety of fundraising channels and led that team.

6 Q What other various fundraising channels?

7 A House file email, House file text, which is in-house data, rental email, i.e.,  
8 Conservative Connector and likely others, other list brokers or lists. I mean, he didn't  
9 run the ads team, but, you know, he would technically be over that, over top of that.  
10 PTP texts would be under that as well, at least the fundraising side of it, of PTP texts.  
11 You know, all these channels don't just do fundraising, but they would live under it.  
12 Those are the channels.

13 Q Okay. And Jen Harrington?

14 A Jen Harrington was COO at Opn Sesame, and also previously had done a  
15 bunch of work with Conservative Connector and did a lot of -- and worked closely with  
16 Kevin for many years and, you know, did work with him on -- and Austin on that side with  
17 Conservative Connector.

18 Q And what about Jess Woodie?

19 A She was, I believe, lead or head designer at the RNC for creative.

20 Q So she was creative for what, like what kind of items?

21 A The Republican National Committee, if they're making, you know, graphics, I  
22 think. Probably email graphics were probably made by her and her team.

23 BY [REDACTED]

24 Q Is it fair to say that she was responsible for visual graphic design?

25 A Yeah, that's fair.

1 Q Okay.

2 A I think she had to do like presentations at the RNC too, like power points at  
3 the RNC for multiple departments.

4 Q She was the person that made things look pretty?

5 A I think she did much more than that, but --

6 Q Well, no, but I mean there's always that graphic designer somebody sends  
7 something to and says, Can you do your magic, make it look --

8 A She made the mistake of doing someone's presentation once and then the  
9 entire building, I think, started sending them to her.

10 BY [REDACTED]

11 Q What about Jessica Dominice?

12 A She was my assistant.

13 Q And what -- so was it like a typical assistant or --

14 A Yeah, scheduling. She also did like an operational role at Opn Sesame, I  
15 think helped with billing at Opn Sesame. I don't know if she was then. She does now.

16 Q So who did you consider yourself to report to? And had that changed over  
17 2020, then just give us the various iterations of that.

18 A Understood. You know, as a vendor and my clients, so who was the top  
19 person at these clients, you know, would be an authority, superior to me. Obviously,  
20 Brett Parscale, the campaign manager, and then eventually became Bill Stepien I think  
21 sometime in the summer, late summer. Stepien had kind of two other leads he worked  
22 with a lot, Justin Clark and Jason Miller; Richard Walters, chief of staff of the RNC, Kevin's  
23 superior. Those were probably the primaries, but, you know, there are many people  
24 who could speak into what we were doing.

25 Q Now, did you understand yourself on Trump campaign-related matters to

1 just report to either Brad Parscale or the trio you just discussed of Clark, Miller, and  
2 Stepien?

3 A So DJTFP matters, not TMAGAC matters.

4 Q Yeah.

5 A Yeah, those are the immediate superiors.

6 Q Okay. And on TMAGAC matters, explain to us how you considered the  
7 power structure to work.

8 A Yeah, so that's the joint fundraising committee between the RNC and DJTFP,  
9 and so, things that were done out of that vehicle had to have, you know, the approvals by  
10 both entities.

11 Q And would that be -- and for the RNC side, that would be Richard Walters,  
12 the chief of staff?

13 A Yeah, not that I would, like, communicate with him directly about  
14 everything, you know. That would probably be more Kevin's job to facilitate approvals  
15 on that side.

16 Q In 2020, did you also report to members of the Trump family?

17 A I talked -- you know, most of them, the one that probably I talked to the  
18 most would've been Jared Kushner. He had the most interest in the digital program.

19 Q And what -- tell us a bit more about what role Mr. Kushner played with  
20 regard to the digital team?

21 A I don't know. You know, he would just check in on results, ask me how  
22 things were going. I don't know.

23 Q And when you say "results," what do you mean?

24 A Fundraising results or, you know, later, you know, it shifted to like  
25 get-out-the-vote type things but, you know, fundraising results, and how we were doing

1 on that objective.

2 Q Is it fair to say you routinely provided Mr. Kushner with updates regarding  
3 fundraising?

4 A Yeah, and formal updates.

5 Q And did that continue through the election?

6 A Yes, sir.

7 Q And how often did you do this?

8 A You know, whenever he'd call, which, you know, we'd probably -- we  
9 probably talked weekly, you know. If we're talking about the last like, you know, I don't  
10 know, month or two of the campaign, then sometimes multiple times a week.

11 Q And did you have any other -- did any other Trump family members have  
12 involvement with the digital efforts?

13 A You know, a lot of people had opinions on certain things. You know,  
14 sometimes Lara, would -- Lara Trump, Eric's wife, would give feedback. You know, I  
15 want to say maybe Eric, Don, but not really, Eric and Don, his sons.

16 Q And what kind of feedback would Lara provide?

17 A Just commentary on, you know, whatever we're sending, all -- she would  
18 mostly -- probably her most common thing was, you know, volume of sending and saying  
19 should we send this much.

20 Q And you said she would provide these -- let's pause one second. Can we go  
21 off the record?

22 [Discussion off the record.]

23

BY [REDACTED]

24 Q All right. We're back on the record. We're just dealing with some  
25 technical issues.

1           Mr. Coby, we were talking about Lara Trump's involvement, and you were  
2           describing she often talked about volume. Can you just expand on what that means?

3           A     I would say her not necessarily often, but the most common thing would be,  
4           you know, asking if we're sending too much.

5           Q     And she had concerns that there were too many fundraising emails going  
6           out?

7           A     Correct.

8           Q     Okay. And what was your response to those? Did you ever agree with  
9           her on that?

10          A     Agreed it was a large amount of volume, but, you know, we did testing  
11          where, you know, we would take cohorts of users and send to one -- say, one group, you  
12          know, once, another group three times. And you would -- you would know -- you would  
13          infer that -- you would guess that the ones that got three messages, probably an  
14          aggregate of total raised more dollars than the single send.

15          But you might think that the individual send to the group of one would raise more  
16          than each individual send to the group of three, which was, you know, a good test. You  
17          may hypothesis prior, but that actually wasn't the case, and sending more to the  
18          individuals led to each individual message raising more.

19          And so, you know, you can always send less, you know, just bosses tell us send  
20          less, you know, if -- but if we have objectives to hit certain fundraising goals, we're  
21          sending out the amount necessary to achieve those goals. If those goals should be  
22          lowered and you want to send less, we can do that, you know, you all tell us is kind of the  
23          response I've given.

24

BY [REDACTED]

25          Q     Was the concern about the effectiveness -- was her concern about the

1 amount about the effectiveness, or was it related to anything else?

2 A I think, like -- I think when you're in, you know, the bubble, you feel and you  
3 see all of them, right. You see every message because you're in it and you're looking at  
4 it. It's what you do 24/7, i.e., Lara. And I think her concern was that could burn a user  
5 out in terms of just like, ah, another email.

6 But also from texting and measurement, users don't see every email. They get  
7 so much stuff from everyone else, you know, from Macy's and Amazon. It's like the  
8 in-box has no algorithm. It's the last one sent is at the top, and the user does not see  
9 them all. They don't feel them all as we do inside, you know, that bubble.

10 Q Were those conversations with her before the election?

11 A Yeah.

12 Q Do you remember how far before the election?

13 A Months before probably, because, you know, they happened a few times,  
14 and then they're just like, Well, this is the approach and --

15 BY [REDACTED]

16 Q Do they continue after the election?

17 A Not that I ever recall.

18 Q And when we talk about performance marketing, is this kind of what we're  
19 talking about, that when you increase the volume you're more likely to get the user to  
20 take an action?

21 A Yeah.

22 BY [REDACTED]

23 Q Can I go back for a second? I know we talked briefly, you said that  
24 Mr. Parscale was the campaign manager up until, I believe, summer 2020, and then it  
25 shifted to Bill Stepien. Was that a change in relationship in terms of how you related to

1 the campaign manager when Mr. Stepien took over?

2 A Yes.

3 Q How would you describe Mr. Stepien's involvement in the digital -- in the  
4 digital fundraising realm? Or actually, I think you did all of digital, right?

5 A Yes, ma'am.

6 Q So how would you describe Mr. Stepien's oversight of digital comparatively  
7 to Mr. Parscale?

8 A Oversight is probably similar, involvement less.

9 Q Can you clarify what you mean by that?

10 A Yeah. In terms of us setting goals and communicating with, you know, the  
11 campaign manager for achieving those goals and how we're performing against those  
12 goals, I would say it was the same. Brad Parscale is from the digital world, previously  
13 the digital director in '16, so we just -- you know, more well-versed in those matters, and  
14 we could, you know, have conversations with him and strategize with him relative to  
15 digital, when Bill, that is not his background, Bill Stepien, that is not his background.  
16 And so, you know, I would say that was less involvement, if that makes sense.

17 Q If someone characterized the post-Parscale, the Stepien world, in terms of  
18 the relationship with digital ads, Stepien just let Gary do his thing and had nothing to do  
19 with digital, would you agree with that statement?

20 A Yeah, I think the digital team was -- built a lot of trust and built a great track  
21 record of achieving its goals. And so, we as digital were able to continue to operate  
22 without much, you know -- they didn't -- I don't think they felt a need to give us much  
23 feedback.

24 Q And in terms of the trio you mentioned, Stepien, Clark, and Miller, did you  
25 have more interaction with Clark and Miller than you did with Stepien?

1 A Yeah, I think so.

2 Q By your laugh, would you say a lot more?

3 A Laugh because probably feels kind of odd relative to the campaign manager,  
4 meaning interacting less with the campaign manager than them.

5 Q Okay. And I only say that because the court reporter doesn't pick up laugh.

6 A Understood.

7 Q And so there's an aspect to it that it just helps to kind of clarify for the  
8 record.

9 A Cool.

10 Q Exaggeration -- or that doesn't translate as well, so I was just trying to kind of  
11 understand that -- your point, it is not normal to have that relationship with the other  
12 two more so than the campaign manager?

13 A I don't know it is normal.

14 Q Okay.

15 BY [REDACTED]

16 Q What role did Jason Miller play relative to Mr. Clark or Mr. Stepien?

17 A I don't know their titles. I guess he's probably like head of strategy.

18 Q Well, how about his role in relation to your work?

19 A If they wanted a certain message deployed or sent, you know, that would  
20 likely come from him. But in terms of whether -- I don't know, I guess, messaging  
21 strategy and how that would mix in with anything on the digital side as it would other  
22 channels nondigital.

23 Q So you're saying Mr. Miller would provide a campaign message for digital to  
24 go and put out into the world?

25 A More so on -- he probably worked with -- I'm -- I wasn't in these discussions,



1 but I would guess or assume or presume that you'd work with like the comms team, the  
2 communications team in terms of how to respond to certain things. I believe also he  
3 talked with the President, again, assuming but pretty certain because they -- I believe  
4 they had a close relationship.

5 And then when we got more into the Persuasion season of the campaign, which is  
6 towards the end when they're spending a lot of money on Persuasion, he ran the  
7 television buying, and that set the, you know, play and the tone of what topics we're  
8 talking about, and then digital would have to kind of cascade from that.

9

BY [REDACTED]

10 Q Of the three of them, are you aware whether Mr. Miller, in fact, had the  
11 most interaction with then-President Trump?

12 A I believe so.

13 Q If somebody said he talked to him daily, every morning, would you have any  
14 reason to think that was incorrect?

15 A No.

16

BY [REDACTED]

17 Q Did Mr. Miller's role regarding strategic messaging continue post election?

18 A Most likely, but not certain, but I believe so.

19 Q Did you have conversations with him post election regarding messaging?

20 A I don't recall any specific ones, but I'm sure I was probably in conversations,  
21 group conversations.

22

BY [REDACTED]

23 Q Understanding that you can't speak for others just in terms of your  
24 impression, given how often Mr. Miller spoke with the President, was it your  
25 understanding that his strategy in communications was largely in line with what the

1 President wanted at the time?

2 A Yeah, I predict that.

3 BY [REDACTED]

4 Q And what role did Mr. Clark play?

5 A I guess, Clark would kind of be called a number two to Bill, and specifically, I  
6 don't know what hats he wore in terms of where I interacted with him as kind of that role  
7 of Bill's number two was on budgeting.

8 Q And when you say "budgeting," as your role as digital director, what does  
9 that mean for you?

10 A So, you know, I'm -- a big part of my job is working with Kevin and Austin to  
11 develop -- you know, they would come to me, you know, would say, Well, what are we  
12 going to do next month? What goal are we going to set for the team? I think Austin  
13 primarily would come up with, you know, work with his team. I don't know what he did  
14 to come up with a number, obviously looking at historic results. And then we'd all  
15 discuss it or Kevin and I would discuss it, and we'd get set on a goal and say, All right,  
16 here's what we're going to aim for. We'd communicate that to our superiors.

17 And, you know -- you know, with Clark, you know, is telling -- projecting what we  
18 think we will raise, projecting what we think it will cost, cost of fundraising is the term,  
19 terminology, and therefore, what it would net, so then he could know what net dollars  
20 would be able to be utilized elsewhere in the campaign.

21 BY [REDACTED]

22 Q We've been told that Mr. Stepien met pretty frequently with Mr. Kushner  
23 about the budget, that Mr. Kushner was really involved in that process, especially in  
24 terms of consistently meeting with Mr. Stepien. Was that your understanding as well?

25 A Yes.

1 BY [REDACTED]

2 Q Did Mr. Clark provide any feedback on the substantive messaging that digital  
3 was doing?

4 A I don't think so. He was the lawyer also, and so, he might give some legal  
5 feedback, not like the official but he may give some guidance, but generally, no.

6 BY [REDACTED]

7 Q Was it your impression that if he was on an email, and I know we're going to  
8 speak about the approvals later, but was it your impression that if he was weighing in, it  
9 was as legal advice?

10 A I think so, yeah. Maybe it's also, you know, like a bill proxy.

11 Q So it could be legal advice, but it might not, because sometimes his role was  
12 unclear in terms of what he was weighing in as?

13 A Yeah. I believe Bill and Clark and Miller, and maybe just sometimes also Bill  
14 and Clark, would have a lot of like side meetings and then maybe then it's up to Clark to  
15 go execute on those items.

16 BY [REDACTED]

17 Q All right. I want to talk about TMAGAC. Now, we said TMAGAC was a  
18 joint fundraising committee between the RNC and the Trump campaign, correct?

19 A Yes, sir.

20 Q And there's a second joint fundraising committee known as Trump Victory.  
21 Is that right?

22 A Yes, sir.

23 Q And that hires -- that handles higher dollar amounts. Is that right?

24 A Yes, sir.

25 Q So going forward when we say the joint fundraising committee, or the JFC,

1 can we both agree we're talking about TMAGAC?

2 A Yes, sir.

3 Q Is it fair to say that TMAGAC focused on small dollar donors?

4 A Yes, sir.

5 Q So those are the donors that are donating \$25 bucks, \$50 bucks, things of  
6 that nature, correct?

7 A Yeah, or higher, but yes.

8 Q Yeah. And is it fair to say that it was generally through emails and texts?

9 A Yeah, advertising as well.

10 Q Okay. Now, let's talk about the authority to make decisions regarding  
11 TMAGAC. Give us a bit of insight as to who had authority to make decisions when it  
12 came to TMAGAC's expenditures or whatnot.

13 A Could you give me some more specificity on that, please.

14 Q So if TMAGAC wanted to spend funds that it had raised, who had the  
15 authority -- who was in a position to authorize that?

16 A So, I'm trying to think how to best -- so, you know, we had a process to, you  
17 know, create expenditures that had to achieve certain results that was approved by the  
18 members of TMAGAC. And so, it's kind of like, Well, which part of that are you asking?  
19 I don't know if that makes sense.

20 Q So was it -- is it fair to say that there was someone on the RNC side that was  
21 the ultimate decision-maker when it came to TMAGAC for their side and someone on the  
22 Trump campaign side?

23 A Yes.

24 Q And who were those individuals respectively?

25 A I don't know if there is, like, a financial person at the RNC that was approving

1       that. I mean, Richard was, you know -- maybe it's him. I'm not -- or Kevin. I'm not  
2       certain, and probably Sean, I guess, on the DJTFP side, Sean Dollman.

3               Q     Okay. So let's talk a bit about -- you mentioned that Austin would set  
4       goals, fundraising goals that he would provide to you. Is that correct?

5               A     Yeah, and it was probably a collaborative goal setting with the senior team.

6               Q     Okay. And when you say senior team, are you talking about the list of  
7       individuals we discussed earlier?

8               A     Yes, sir, the digital senior team.

9               Q     Okay. And how often would these fundraising goals be set?

10              A     It vary -- it evolved through the cycle, through the calendar year. Is there a  
11       specific window of time you'd like me to focus on?

12              Q     Yeah, let's focus on September through the Election Day, or those last -- that  
13       last period.

14              A     Okay. So basically we'd go -- a lot of it, by that time, we had a good system  
15       for, you know, looking at historic results and being able to predict future results. And,  
16       well, normally it was looking at a single month, and it was like, All right, you know, August  
17       is ending, we've got to set September's goal. And we'd set goals for different parts of  
18       the month as part of the full month goal.

19              Q     Okay. And when you put together those fundraising goals, who did you  
20       provide those to?

21              A     We had to communicate them to like Richard, RNC side, campaign manager,  
22       whomever that was, so at that time Bill, Clark, I don't think Miller, Jared, I think those  
23       were the main people, Dollman. I'm sure someone on the financial side at the RNC, but  
24       that was probably Kevin communicating that.

25              Q     And preelection in 2020, do you remember any times where you provided

1 fundraising goals and you got feedback that they were insufficient?

2 A Not me. I never got that, I don't believe.

3 Q Did someone else?

4 A Kevin may have in communication with Richard. Richard is -- was -- before  
5 he was chief of staff was fundraiser, and fundraisers, you know, sometimes, you know,  
6 you want to hit your goals, and so, you set a bar that you feel good about achieving.  
7 And Richard understands that process, so I could see him maybe, you know, asking Kevin  
8 if these were real numbers. And Kevin and I would have numbers we'd share with the  
9 bosses, and then we'd have what we really thought we could do as a team, which would  
10 be a little bit more.

11 Q Yeah. So you might undersell yourself a bit?

12 A Yeah. No one knows what you're supposed to raise.

13 Q Did you understand that when these numbers were provided to campaign  
14 leadership that they were then expressed to President Trump as well?

15 A I do not know.

16 Q Do you know whether this -- did this process of fundraising goals and  
17 projections, did that continue post election?

18 A No. We had zero goals post election.

19 Q Now, I think you've previously mentioned that there were some weekly staff  
20 meetings, is that correct, regarding fundraising projections and goals?

21 A For the --

22 Q Preelection. Is that right?

23 A We're talking digital team?

24 Q Yeah.

25 A I had a weekly all-staff digital meeting. I had a weekly senior digital staff

1 meeting. Is that -- are you referring to one of those?

2 Q Let's talk about that. What were those meetings typically about?

3 A My digital team was my senior -- sorry, my senior staff digital weekly, and it  
4 might have -- I think they might have happened a couple times a week also but at least  
5 happened weekly. They normally set the agenda. Sometimes I might have, you know,  
6 one thing to bring up, but normally it's them needing feedback from me on something, or  
7 solving problems within the team like cross channel teams or getting my judgment on  
8 something.

9 You know, we built a lot of process as a team, you know. If they wanted some  
10 feedback or a tweak or suggestion on it, it'd probably occur in that meeting. Or there  
11 was a time when we could strategize as a group high level.

12 The all-staff digital was kind of a rah-rah thing, you know. You know, just -- we'd  
13 shout out team members that were doing great. We'd talk about -- we started  
14 establishing streaks of, you know, the first one. Austin, at some point, said, Hey, you  
15 know, he just like told me or told the senior team, you know, we've raised \$1 million a  
16 day for X amount of days. And we're like, Oh, that's awesome. Let's tell the team.  
17 Let's keep that going.

18 And then we got to \$2 million, and we started talking about the \$2 million streak,  
19 and then \$3 million, and I think \$4 million streak where every day we raised that. It was  
20 kind of like, all right, we should hit that every day, you know, and we kept that through  
21 Election Day in terms of talking and exciting the team. And then whatever general  
22 updates for the team as you would in an all-staff.

23 BY [REDACTED]

24 Q Just real quick on that, the metrics that you guys were using, and I know  
25 we're going to talk about that in a second, but when you had these streaks, it was kind of

1     tweaking the process to figure out what went right, and then flowing to where it went  
2     well, constantly upgrading, updating, and going to the points that made the most money.  
3     Is that fair?

4             A     Yeah.   You're looking at, you know, if you have a dozen sends or two sends  
5     or whatever amount of sends or deployments of content or whatnot, all those achieved X  
6     result, you know, you can look at that very black and white and say which of these  
7     provided the best result and let's do more of that.

8

BY

9             Q     Now, with regard to the fundraising performance metrics, how -- tell us  
10    about the process by which you learned -- you viewed those, the dashboards or whatnot.

11            A     You're asking how I viewed them?

12            Q     Yeah.

13            A     I mean, ask -- can you give me a little more?   Sorry.

14            Q     Yeah, of course.   Were performance -- how were performance metrics  
15    made available to you for you to learn about how emails and texts were performing?

16            A     Thank you.   I wasn't focusing on any individual emails or texts, but the  
17    team had -- we had multiple systems because we're kind of building it throughout the  
18    cycle, building it as they're flying it.   Datorama is a piece of technology software that the  
19    team -- that's what they called it, you know.   That system was what I believe the team  
20    was largely using throughout, you know, the cycle.   There was another one we were  
21    using, Data Studio, and that was the one I more so looked at for kind of high-level, how is  
22    the day doing in terms of fundraising.

23            Q     And who had access to Data Studio?

24            A     Sean Dollman also had access and would utilize that to understand how we  
25    were performing on, you know, the financial side of things.   I'm sure others do, but I



1 know he did.

2 Q Okay.

3 A I'm sure others did.

4 Q And was the Datorama data, was that widely available to the individuals?

5 A To the staff, yeah, the digital staff.

6 Q Now, you mentioned some creation of processes, and I want to talk about  
7 what that looked like in 2020. So tell us a bit, what impact did COVID have on the  
8 importance of digital fundraising in this last cycle?

9 A Yeah, so campaigns, political committees raised money on multiple fronts,  
10 you know, snail mail, digital, major donor events. Due to COVID, major donor events  
11 were less frequent and/or less in scope, and so, in terms of that piece of the total  
12 fundraising pie, me and my digital team, I believe in May or June, I think June, felt that it  
13 would, you know, just negatively -- or it would -- we would be performing significantly  
14 less as a group, as a campaign RNC group in terms of our fundraising, and so we should  
15 try to improve our numbers to fill that gap.

16 Q And how -- and tell us how -- what plan you came up with to increase the  
17 performance of the digital team.

18 A Yeah, the team just -- you can build great reports and measurement, but,  
19 you know, if people aren't looking at it then, you know, it doesn't matter, tree fell in the  
20 woods. And we felt that was occurring with the team where the team was not really  
21 looking at the results and helping to help them make decisions in near real time  
22 throughout the day.

23 And so, I believe the plan was Kevin and Jen, and I'm sure Austin and Georgia,  
24 were having -- started having meetings with the different teams who worked on the  
25 various channels to kind of force that process to create that process of, okay, you know,

1 let's look at the results, let's see how it did and let's make a decision. This did good so  
2 send more of that.

3 Q So when you say this did good, do you mean if an email, for example,  
4 performed well, let's send another email like that?

5 A Yeah, or, you know, one versus two, A versus B, you know, which one did  
6 better? So either let's do a resend of the exact same email or let's create content in a  
7 similar fashion.

8 Q So would that process involve analyzing the substance of the emails,  
9 meaning if it was a match or impact email, or a certain kind of different subject matter  
10 and you would analyze that and see whether to replicate that?

11 A I wasn't in those meetings, but I believe that's what -- the team would  
12 probably look at that as one of many -- one variable of, you know, what was driving  
13 results.

14 Q Now, I understand you weren't in those meetings, all of them --

15 A Sorry. Ask the question again.

16 Mr. Nassikas. And, by the way, should we take a break at 11:30, like in 20  
17 minutes, just for anyone that also wants to take a --

18 [REDACTED] Oh, yeah, I couldn't last, so I do need to take a --

19 [REDACTED] How about we just -- let's go off the record one second.

20 [Recess.]

1

2 [11:20 a.m.]

3

BY [REDACTED]

4

Q All right. Mr. Coby, we were talking about the processes in May or June of 2020 that the digital team put into place regarding effective fundraising, and I want to unpack that just a bit more.

7

Were there any key performance indicators that you all would recognize or began to focus on at that time?

9

A Yes. Revenue per send.

10

Q And what does that mean?

11

A Dollar amount raised per individual send. It might have been revenue per send times a thousand just so it's like a more usable number.

13

Q Okay. And what would you do with that information?

14

A You know, if there were multiple sends, they each had an RPS, revenue per send, and it would be a quick and easy way to determine which was performing better; i.e. --

17

Q Okay.

18

A -- raising more money per send.

19

Q So let's say that you find a certain kind of email to have a higher revenue per send. What do you do with that information?

21

A I would do nothing with it. I didn't -- I wasn't involved in that process, so --

22

Q Well, let me ask you this: What did you understand the digital team to do with that information?

24

A My understanding is they would see that, communicate that. I think multiple people had access to it, so I'm not sure who was doing the seeing of that and

25

1 communicating it --

2 Q Uh-huh.

3 A -- or many people are. Not sure. But that would help inform them in  
4 terms of what sends would occur, either -- either what sends to deploy either later that  
5 day or in subsequent day or days.

6 Q And when you say what sends, you mean substantively what kind of emails  
7 to send --

8 A Yeah.

9 Q -- to raise money?

10 A Sorry. Yes. Subject matter or, you know, type of email, you know.

11 Q So is it fair to say that this process was set up to find out what worked so the  
12 digital team could keep doing what worked?

13 A Yes.

14 Q Now, when you took over as digital director for the 2020 cycle, were you  
15 tasked with setting up the structures for the fundraising component of that digital team?

16 A What do you mean by that?

17 Q Well, tell us a bit about how you understood fundraising emails and  
18 messaging to work.

19 A Okay. So --

20 Q And I'm talking about the individuals that are under Austin's leadership.

21 A How they worked meaning like -- I'm sorry. Just give me a little more.

22 Q I mean, practically speaking, an email -- how does an email go from being  
23 conceived of --

24 A Okay.

25 Q -- to you looking at a revenue per send to see that it worked or didn't work?

1           A    Thank you.  People have to draft -- people have a draft copy, and,  
2           additionally, staff would have different segments, cohorts of audiences to send to.  And  
3           so team who was drafting copy would create that copy.  You know, I don't know if they  
4           would discuss it or what, but eventually it gets to an approval process.  I don't know if  
5           you want me to talk about the approval process now.

6           Q    So is it fair to say that copywriters would draft copy first?

7           A    Yes.

8           Q    And is it -- was Hannah Allred the chief copywriter at this time?

9           A    That's what I recall, yes.

10          Q    Okay.  And is it fair to say that Ms. Allred would, while overseeing  
11          copywriters, prepare copy with them and provide it to Austin for his review?

12          A    I didn't work within that team and oversee that process.  It sounds  
13          appropriate or likely, but I was not in the weeds on that.

14          Q    Well, let me ask you this:  The vast majority of funds that were raised from  
15          digital came through the emails and text messaging and digital ads, correct?

16          A    Majority of which one?

17          Q    Of fundraising that came out of TMAGAC.

18          A    Yes.  Yes.

19          Q    Okay.  So the effectiveness of the processes by which Austin oversaw was  
20          essential to the success of TMAGAC.  Is that fair?

21          A    In terms of determining what's doing well and who bore that.

22          Q    In terms of making money -- of raising money.

23          A    Sorry.  Ask it again, please.

24          Q    The funds that TMAGAC raised came through predominantly emails and text  
25          messages.  Is that correct?

1 A Yes, sir.

2 Q And Austin Boedigheimer oversaw fundraising through emails and text  
3 messages, correct?

4 A Yes, sir.

5 Q So the processes by which I'm talking about that -- of Hannah and the other  
6 copywriters, that is a work product that leads to the fundraising we're discussing here  
7 for --

8 A Yes, sir.

9 Q -- TMAGAC?

10 A Yes, sir.

11 Q So it's fair to say that it's a critical component to TMAGAC?

12 A Yes.

13 Q Okay. Now, when you became digital director --

14 A What I meant. Sorry I cut you off.

15 Q Okay. When you became digital director, was the mechanics of how  
16 Hannah and Austin's team worked -- did that precede you, or postdate you?

17 A I don't know -- Hannah -- Hannah's role grew -- I think she was just a hard  
18 worker and did a good job. I don't know the timing of that. I don't recall the timing of  
19 her role growing.

20 Q Uh-huh.

21 A But that general process, you know, has existed for many years, many cycles  
22 and replicates what we did in 2016. I didn't run that. I was on the ad side. There  
23 was another gentleman running the -- doing Austin's role in 2020.

24 Q Uh-huh.

25 A I don't know who the copywriters were, but, yeah, that -- that approach, that

1 setup of obviously people writing copy and then, you know, reviewing it and sending it --

2 Q Uh-huh.

3 A -- that existed.

4 Q Is it fair to say that, as digital director, you wanted a process by which senior  
5 leadership, including yourself, didn't have to get involved in that process on a daily basis?

6 A If I could expand on that?

7 Q Yes, please.

8 A In 2016, when the Republican National Convention occurred, Brad Parscale,  
9 Gerrit Lansing, the two bosses, went to that event, and, you know, they had to approve  
10 things for the digital team, like myself and others, to do work, and found, because  
11 of -- when you go to something like that, you just -- you're in like a black hole, okay, and  
12 they were not efficient at providing approvals, and, therefore, slowed the team down,  
13 made the team perform worse, because we couldn't get as much stuff out.

14 And so that was a learning that I had in 2016, and so the mind set of -- for the  
15 2020 campaign -- we probably set this up early, you know, probably existed in 2018. I  
16 mean, frankly, yeah, 2018, 2019, and 2020 -- was that, if we were going to have a digital  
17 operation that was going to scale and be able to move quickly and do high volume, you  
18 needed to really push a lot of -- you needed to equip the team, the midlevel team or -- I  
19 don't know what level. You needed to equip the team to be able to make decisions on  
20 the fly, on their own.

21 And people like myself, and also Kevin, you know, we are going to get pulled into  
22 so much just stuff of -- that exists at that level, that, if we were required to make  
23 decisions on every matter, the team would move very slowly, and so it was built in a way  
24 where it did not require that from me and others on the senior level team.

25 Q So is it fair to say that Austin was one of those people that was empowered

1 to make decisions when it came to fundraising and the digital team?

2 A Yeah. I think --

3 Q Okay.

4 A -- largely everyone in digital was empowered to make decisions, but, yes,  
5 Austin was.

6 Q And was -- would you consider Hannah Allred one of those people that was  
7 empowered?

8 A I would say Austin's empowered to decide who to empower on his team,  
9 and I don't know if -- what decisions he gave to her or not.

10 Q Okay.

11

BY

12 Q In the process of creating that, we'll say, like, efficiency improvement, there  
13 is an approval process that everything has to go through, right?

14 A Yes, ma'am.

15 Q Was the approval process scaled or streamlined in any way to improve  
16 efficiency?

17 A During what time period?

18 Q Prior to the election.

19 A Like -- whatever process we're using for the last 3 months, say, I don't think  
20 it changed.

21 Q Did it change after the election?

22 A I don't recall for certain, but I believe maybe potentially more people, maybe  
23 more lawyers were added.

24 Q After the election?

25 A Yes, ma'am, but not for certain, but I think so.



1 Q Because scalability really wasn't the concern at that point, right?

2 A Yeah, we didn't -- we didn't have goals post election. We didn't have a, you  
3 know, election day objective.

4 Q So is it fair to say that the scalability -- the efficiency of the fundraising  
5 process may have changed, but it sounds like the approval process was largely the same  
6 from 2018 and through the election?

7 A Participants would change --

8 Q Okay.

9 A -- but the process generally, yes.

10 Q Okay.

11 [REDACTED] I'm going to shift gears a little bit and talk about what  
12 communications you had with President Trump regarding --

13 [REDACTED] Sorry. Before we --

14 [REDACTED] Yeah.

15 [REDACTED] Before we go there.

16 BY [REDACTED]

17 Q One quick clarification. Earlier, you said that one of the reasons why the  
18 efficiency process had to be improved was because, if people like -- I think you used  
19 Parscale and Lansing --

20 A Lansing, yes.

21 Q -- as the example. If those individuals couldn't approve, it could bottleneck  
22 the process.

23 A That's correct.

24 Q So the bottleneck was more messaging and strategy. It wasn't the approval  
25 process?

1           A    The bottleneck is X must occur for the team to go execute, and, if those  
2 people are required to do X, then it would slow it down.

3           Q    Right. I guess what I was getting at is it seemed like you could remember a  
4 time -- a very specific time, actually, where Parscale and/or Lansing were the bottleneck.

5           Do you ever remember the approval process being the bottleneck?

6           A    Yes. Certainly.

7           Q    And was there anything to change or improve that, or that was just a  
8 accepted bottleneck?

9           A    You had to get the approvals. Couldn't go without. Methods  
10 to -- when -- when that was -- I don't know -- not moving fast enough, I don't know how  
11 you -- we -- I don't know how we determine what was fast enough, but the team would  
12 just follow up, you know, reply, hey, we need this, or -- I think one -- one thing I think I  
13 encouraged the team to do, I think -- you know, just thinking about it on the spot here is I  
14 believe I started telling them -- because the approvers, they don't know when you need it  
15 by, right? And there is so much. It's like start telling them, like, hey, we're planning to  
16 use some of this by -- on this date or this time, and we need approval by this time, just to  
17 try to create some kind of goals for the approvers to review it by.

18          Q    Got it. That's helpful. Thank you.

19          Mr. Hibey. And, [REDACTED] I just want to make just one thing clear. When he  
20 was talking about Parscale and Lansing as a bottleneck, that was in 2016.

21          [REDACTED] Yeah, that was the RNC story.

22          Mr. Hibey. That was the black hole --

23          [REDACTED] Story.

24          Mr. Hibey. Yeah, exactly.

25          [REDACTED] Yeah.

1           Mr. Hibey. The lessons learned, I think, was -- I just want to make sure that  
2 we -- Parscale obviously had a role in 2020, so I didn't want to -- if you knew that --

3           [REDACTED] Oh, yeah, no.

4           Mr. Hibey. -- or understood that.

5           [REDACTED] I understood that with 2015. Yeah.

6           Mr. Hibey. Yeah. Okay. Thanks.

7           [REDACTED] Thank you, though.

8           BY [REDACTED]

9           Q     Mr. Coby, looking from January 2020 forward to the election day, did you  
10 provide updates directly to President Trump regarding the digital team's efforts?

11          A     Yes.

12          Q     Tell us about those. When was the first one?

13          A     I don't recall the first one. I don't know, but it felt like they happened  
14 quarterly. It wasn't a set schedule. Typically -- well, what occurred most of the time is,  
15 you know, Jared would say: Hey, I think you should come in and give, you know, the  
16 President an update on how things are going.

17          Q     And would you prepare materials?

18          A     Yes. Slide show, PowerPoint.

19          Q     And what would those -- what would that PowerPoint show?

20          A     Results. You know, we're investing money. What's our return on  
21 that -- that money, how much we're raising, you know, quarter to quarter, month over  
22 month, year over year type metrics, we were looking at historical and how we're doing,  
23 compared to that how some that -- looked at comparisons to some metrics versus like  
24 Romney, Obama, and Hillary.

25          Q     Uh-huh. And how many times -- would you say at least four times, you met

1 with him in 2020 --

2 A That's --

3 Q -- or more?

4 A That sounds accurate, yeah. I'm not certain, but yes.

5 Q Not counting 2021, in 2020, when was the last time you met with him?

6 A I know I gave a presentation a few days before July 4th. That was in the  
7 White House. And then I believe he came to the office and I gave another one after  
8 that. I don't remember which month it was, but I think that was the last time.

9 Q That was -- this meeting you're talking about, was it preelection?

10 A Yeah. It would have been something like, you know, August, maybe  
11 September. I don't think I gave one after that.

12 Q Uh-huh. And did the President ever weigh in? Like did he provide  
13 feedback to you in those meetings?

14 A He might ask questions.

15 Q Did he provide feedback on -- did he give you directives on things that  
16 should change?

17 A No. I don't believe so.

18 Q Did he ever weigh in on the substance of fundraising appeals that the team  
19 was putting out?

20 A No. That was not part of the presentation.

21 Q All right. Let me turn to -- we're going to shift just gears a little bit and  
22 talk -- start focusing more on election day looking forward towards the 6th.

23 [REDACTED] I'm sorry. Can you go back one second?

24 [REDACTED] Sure.

25

BY [REDACTED]

1 Q When you spoke with President Trump during those meetings, did he ever  
2 say anything about language use or phrases or terms he preferred?

3 A No.

4 Q He never gave any guidance?

5 A No, I don't believe so.

6 Q Okay.

7 [REDACTED] Okay?

8 BY [REDACTED]

9 Q Now, you mentioned earlier, when you had conversations with Justin Clark,  
10 for example, you would talk about fundraising projections and what not from the digital  
11 team, correct?

12 A Yes, sir.

13 Q And part of those conversations were aimed at Mr. Clark and Mr. Stepien  
14 being able to have the best information as to the financial health of the campaign going  
15 forward. Is that fair?

16 A Yes, sir.

17 Q And were those meetings back-and-forth conversations where you would  
18 talk about these issues?

19 A Yeah. I mean, I don't know. I guess I'd just tell him what I think we're  
20 going to achieve.

21 Q Yeah. And is it fair to say that, based on your understanding of fundraising  
22 totals and projected spends that you had, you were able to garner an understanding of  
23 the campaign's financial position?

24 A I didn't have access to the books --

25 Q Uh-huh.

1           A    -- but I knew what goals we were setting, and I knew if we were achieving  
2 those goals.

3           Q    Yeah. So would that -- I -- not -- even without access to the books, is it fair  
4 to say you had a sense of the campaign's kind of financial position?

5           A    Based on what was told to me.

6           Q    Yeah. Now, based on the information you had, both as the digital director  
7 and conversations with senior leadership, what was your best understanding as to  
8 whether the campaign was in debt on election day -- on about election day, or whether it  
9 had cash on hand?

10          A    It wasn't completely clear. I did not think we were in that position given  
11 we were achieving our goals, but it was not clear.

12          Q    When you say in that position, you mean you did not think the campaign was  
13 in debt?

14          A    That's correct.

15          Q    Have you seen reports that say the campaign was in debt on election day?

16          A    I mean, we owed money potentially on election day, but additional money  
17 was coming in that had not hit bank accounts.

18          Q    Yeah. Well, I'm asking just generally. Have you seen reports suggesting  
19 that --

20          A    You mean public?

21          Q    Public reports.

22          A    Oh.

23          Q    Media reports that the campaign was financially in debt, meaning not money  
24 owed, but in debt as in in totality -- totality, around this time?

25          A    I believe that was a narrative in the media months before election day that,

1       you know, money was tight.

2               Q     Uh-huh.

3               A     I don't know if that was accurate.

4               BY [REDACTED]

5               Q     Was it your impression that it was accurate?

6               A     Well, I guess, you know, some departments wanted to spend more money,  
7       so I guess, you know, they didn't feel there was enough, but -- so, in terms of -- I  
8       don't -- well, I guess that aspect is -- what is enough is the -- kind of the question is -- and,  
9       you know, I think at times, like television side, television buyers wanted to spend more  
10      funds than we had, but I don't know if that means we did not have enough.

11              Q     So we're not really experienced political people, as you have become fully  
12      aware, but the way that it was described to us was that, if you were running a  
13      Presidential campaign and you did not end up in debt, you didn't leave it all on the table  
14      and spend every dollar, you did something really wrong.

15              A     You did not want to end with a big bucket of cash. That would be bad,  
16      especially if you were to not win.

17              Q     So, if it was -- was it normal for it to be close or uncertain, because we're just  
18      trying to get a feel --

19              A     I think it's -- I think it's a -- you know, it's an organization to spend over a  
20      billion dollars, so I think it's really difficult, and, you know, they didn't have, like, some  
21      giant accounting firm, you know, running the books. So I think it's a very difficult  
22      process.

23              And, also, political campaigns, expenses are occurring in -- all over the place, and  
24      people out in the field, you know, their expenses aren't always known. So I think it's a  
25      very difficult process for someone, you know, like a Sean Dollman, Justin Clark, to be able

1 to, like, accurately, you know, know where we were financially.

2 You know, they can make a best guess, and it's their job. But I think it's a difficult  
3 process given the scope and scale relative to the scope and scale of the accounting team.

4 Q Would they have known about your streak records where you talked about  
5 making 2, 3, \$4 million a day?

6 A Probably. I probably talked about it in like the campaign senior staff  
7 meetings, just as like a brag for digital.

8 Q Understandably. Those numbers seem really high, but I may not have a  
9 basis for comparison. But, in terms of at the end, it seemed like you were raising a lot of  
10 money as you got close to the election, that those streak days got higher and longer.

11 A Yeah. I mean, we didn't -- when you look at a streak, it was like a 2-day  
12 streak. It was -- you know, was our streak. But, you know, in politics, a hockey stick  
13 moment occurs, as everyone in business calls it, where, you know, you're raising money,  
14 and, you know, relatively stays, and, boom, the last month, you know, your funds, what  
15 you raise go up about 50 percent relative to the month before.

16 Q So is it fair to say there is some uncertainty into how steep the hockey stick  
17 is, but it's not really uncertain that you're going to get a bunch of money in that month  
18 before?

19 A Yes. It's a difficult thing to predict.

20 Q Okay.

21 A Interestingly, you know, Kevin and I first set goals together pre-2020. We  
22 were off a lot by the actual dollars. We under -- we raised much more than we  
23 predicted. However, our September versus October growth was actually pretty on  
24 point. I think it was like a 50 percent growth.

25 Q From a political standpoint, given your experience in the industry, is it your



1 impression that ending a Presidential campaign with any cash on hand or a significant  
2 amount of cash on hand would look very bad in terms of campaign management?

3 A If you lose. But, if you win, then it's -- probably people aren't asking  
4 questions.

5 Q That's fair and an excellent clarification. If you -- let me add the qualifier.  
6 If you lost, would that reflect well?

7 A Yeah. If you had a ton of money and a loss is -- would be frowned upon.

8 Q Okay.

9 BY [REDACTED]

10 Q And, Mr. Coby, earlier you alluded to a difference between the cash on the  
11 day -- on election day versus days after. Can you explain what you meant there? Is  
12 there a lag time in when donated funds may become available to the campaign?

13 A Yeah. I don't know the exact amount of days, but, if a user donates on, you  
14 know, a Wednesday or a Thursday, just the process of that money going through when  
15 read to the donation platform to hitting the entity's bank account is several days.

16 Q Uh-huh. And do you recall how the digital team performed fundraisingwise  
17 the days leading up to the election and the days after the election?

18 A Yeah. As typical, the days before an election, because you have an election  
19 deadline, the deadline is generally the best kind of topic tactic, you know, to utilize, you  
20 know, for urgency and conversion. So those are like our best days to have. And then  
21 three or four -- the first -- so probably the 3 days post election. The metric I remember  
22 is three of our best four fundraising days occur immediately after the election, so I think  
23 like our best day, our second best day, and our fourth best day.

24 Q So, in light of that, would it be surprising to you if somebody claimed that  
25 the campaign, taking those days into account, was in debt?

1           A    Ask that again.

2           Q    Would it -- would you expect that the campaign was in debt -- taking into  
3   account the fundraising days you just mentioned, would you have expected the campaign  
4   to have cash on hand.

5           Mr. Nassikas.   As of what day were you talking about?

6           BY [REDACTED]

7           Q    As of the four days after the election day, like --

8           A    So like the 7th or the 8th?

9           Q    Yeah.

10          A    That occurred -- ledger --

11          Q    I mean, taking into account not the money raised after, but the -- let's start  
12   from the top.   Take into account the lag of preelection fundraising.

13          A    Okay.

14          Q    Would you expect that the campaign was in debt taking that into account?

15          A    I don't think I would have enough information --

16          Q    Uh-huh.

17          A    -- to determine that.

18          Q    Well, would you be surprised if the campaign were in debt?

19          A    I think there is a lot of variables that I didn't have exposure to that would  
20   allow me to, like, tell you yay or nay, you know, for when we had refunds, because users  
21   were giving tens of millions, I believe, in donations, that users gave over their legal limit  
22   that we had to refund.

23               And so, you know, yeah, we raised it, but then it's like -- you know, then  
24   compliance looks at it, and some of that money has to go home or go back to the user.  
25   So there is a lot of pieces, and so I don't think I was in a seat to be able to determine that.

1       So I don't know.

2               Q     Did you have any conversations with any other campaign staffer around  
3       election day about whether or not the campaign was in debt?

4               A     Yeah. Well, not about debt. Just like what's our money situation? How  
5       much do we have to spend? They would tell me, Gary, you can -- you know, hey, you  
6       might have additional dollars to spend on digital persuasion, DJTFP.

7               Q     And who did you have those conversations with?

8               A     Probably Clark. Well, not probably. Sorry. Clark. There is budget  
9       meetings that Clark was in. I believe Dollman was in them sometimes.

10              Q     Uh-huh.

11              A     Clark, Dollman, and I had meetings, us three. There was some budget  
12       meetings with Bill and Kushner. Miller, I believe, was in those as well. I think that's  
13       probably the total group that I would have such conversations with.

14              Q     And did anyone express concern that the campaign would be short on cash  
15       leading up to the election?

16              A     I think the -- my understanding was Kushner and family members did not  
17       want to be in debt, and they wanted -- it was, you know, the job of Dollman and Clark to  
18       make sure we were not in debt. That was an objective.

19              Q     Did they express why that was the objective?

20              A     No. I mean, just, you know, if it ends, you don't want to owe a bunch of  
21       money, I think. They didn't really say it. I think it was kind of perceived or inferred  
22       that, you know, just good practice not to owe a bunch of money.

23              Q     But the good practice would be to -- if you're going to pick, would be to end  
24       up owing money rather than having money?

25              A     Would be to end on zero. I don't think anyone had what they needed to

1 achieve that.

2 Q Yeah. Now, let's talk about fundraising post election. You mentioned  
3 that, after election day, there were -- you said those might be some of the best  
4 fundraising days the campaign had. Is that correct?

5 A I think our -- I think our best, our second best, and our fourth best occurred  
6 in those three immediate days.

7 Q Okay. Now, based on your experience with a bunch of campaigns, is it fair  
8 to say that the decision to continue fundraising after election would be made by senior  
9 leadership?

10 A Yes.

11 Q And do you recall requesting such permission in this last cycle?

12 A I don't recall specific conversations, but I feel very certain that we would not  
13 have started fundraising post election. I mean, we probably started that night. I don't  
14 recall for certain. Maybe not. Probably started the next morning. But that certainly  
15 would not have occurred without an approval process.

16 Q And you mean someone who would be more senior than you?

17 A Yes.

18 Q And so who would have been in the position to make such a decision?

19 A It's probably a variety of people. You know, legal, comms, executive.

20 Q Well, that sounds like a lot of people in those groups.

21 A I think it would be a lot of people for that to go.

22 Q And -- and why do you think so many people would be required to continue  
23 fundraising after an election?

24 A Well, I guess the question is are we just talking about, like, approving the  
25 concept of do we fundraise or not, or approving what is in the copy of said fundraising?

1 Q Well, let's talk about the decision itself about whether to fundraise at all.

2 A Understood. I think that -- that fundraising would occur out of TMAGAC,  
3 and so it would have been some level of, you know, executive approval with the RNC and  
4 DJTFP.

5 Q So start with the RNC. Who would have been senior enough to make that  
6 decision?

7 A Richard Walters probably would have been the person that we would have  
8 referred on the panel.

9 Q All right. And, from the Trump campaign, who would have made the  
10 decision for the Trump campaign?

11 A I don't know, but I guess maybe a Bill, a Clark. I don't know who would  
12 have communicated the decision. It probably would have been like a discussion, and  
13 someone would have communicated, like a Clark.

14 Q Uh-huh.

15 A Because he typically was the one who voiced things. I don't know, but I  
16 suspect, you know, could have been a conversation with Kushner as well.

17

BY

18 Q Would you have spoken about it with Eric Trump?

19 A I don't think so. I may have. He was there that night, but that would not  
20 be normal. I may have in a -- I don't know -- informal, casual way, but I don't recall that.

21 Q Do you think it would have been something that you would have conversed  
22 about the night of the election to say, hey, are we still -- are we still going tomorrow, or is  
23 it something that you would have had an email, or talked on the phone?

24 A We were at the White House like 3:00 or 4:00 in the morning, so maybe. I  
25 don't think anyone was focused on that at the time. You know, they're focused on, like,

1        what are the results? So I want to say probably not, but -- I'd feel I probably told my  
2        team to be ready in case that green light comes. But I don't recall if we had discussions  
3        with, like, senior folks about it. But I very well could have. Sorry. I just don't recall.

4        [REDACTED] Go ahead.

5        BY [REDACTED]

6                Q        Who would you have given the green light to on your team after you were  
7        told to continue fundraising?

8                A        Communication to continue fundraising probably would have came down  
9        through me and Kevin. Either Richard would tell me or Kevin. Kevin would  
10       communicate Richard's approval. And then I would have, you know, told -- probably on  
11       the senior team group chat, which, you know, really is telling Austin.

12              Q        And then, by group chat, do you mean like over texting or --

13              A        Signal.

14              Q        Signal. And, with the -- as far as your senior team, the individual who  
15       would have been most relevant for the continued fundraising, would that have been  
16       Austin?

17              A        Yes, sir.

18              Q        Do you recall a conversation with Austin about continuing fundraising post  
19       election?

20              A        No. I don't recall a specific conversation. I'm sure we said something, but  
21       yes. But no. Sorry. I don't recall a specific conversation, but I'm sure there was -- he  
22       wouldn't have just gone.

23              Q        Austin would not have made the decision to fundraise post election by  
24       himself?

25              A        That's correct.

1 Q And you wouldn't have made the decision to fundraise post election by  
2 yourself?

3 A That's correct.

4 Q Now, in 2016, do you remember conversations about whether or not to  
5 continue fundraising after the end of that election?

6 A Yeah. I believe I asked if we could, like, sell merch, which would have been  
7 technically fundraising.

8 Q Uh-huh.

9 A That's a type of fundraising. I believe I asked for that in 2016.

10 Q And what was the answer you were given?

11 A Uncertainty, but ultimately no.

12

BY [REDACTED]

13 Q After the election -- in the week after the election, do you remember  
14 speaking to any of the Trump family members?

15 A I'm sure I talked to Jared during -- during that week, just because that was  
16 natural course of business. I don't recall any specific conversations with Don or Eric or  
17 Laura, but potentially.

18 Q A week after the election, on November 10th, there were three calls that  
19 you had with Eric Trump on the 10th. Was there something specific or important that  
20 happened a week after the election where you had conversations with him three times  
21 that day?

22 A No. I -- I don't recall that.

23 Q You don't remember?

24 A No.

25 Q Is that a really common thing to talk with him?

1           A    He's called me, you know, I don't know, probably a couple dozen times,  
2   but -- over my life. I don't think that was common during 2020, though. But it wasn't  
3   like a big deal, I would say.

4           Q    What would he have --

5           A    What time of day, if you don't mind me asking?

6           Q    Let me see. I think it was in the morning, like shortly before 10:00 a.m. I  
7   think you talked to him the next day, too, on the 10th. It was like three times on the  
8   10th and then possibly on the 11th.

9           It just seemed like, given what you had said about not talking to him very often, it  
10   was like a week after the election, and I remember in our previous conversation you had  
11   said something along the lines of, during that time, the days after the election, it was kind  
12   of uncertain, like there were like recounts, it wasn't clear what was happening. But, the  
13   further that it got from the election, the more clear it was that he had lost.

14          And so, a week after the election -- I guess what I'm getting at is you said my team  
15   and I would have talked about the green light. In 2016, it was clear he won, right?  
16   There was no -- it was like stop fundraising, right? But, in 2020, it was less clear. So  
17   would the green light have been an immediate discussion, or would the green light to  
18   keep fundraising have actually taken place a few days after?

19          Do you know what I'm asking?

20          A    In 2020?

21          Q    Yeah.

22          A    I mean, well, we started back the next day, and so it would have happened,  
23   you know --

24          Q    So the --

25          A    -- probably the next morning.



1 Q So the green light was pretty immediate?

2 A Yeah.

3 Q Okay.

4 Mr. Nassikas. [REDACTED] what was the date of the election? Just remind me.

5 [REDACTED] I had to look that up.

6 [REDACTED] November 3rd.

7 [REDACTED] It's the 3rd?

8 Mr. Nassikas. It's the 3rd of November. Okay.

9 [REDACTED] Yeah.

10 Mr. Nassikas. So we're talking about the 10th and 11th, okay, 7 and 8 days later.

11 [REDACTED] Yeah. So, the day after the election, it would have been between  
12 11:27 a.m. and 12:52 p.m.

13 Mr. Coby. I talked to him on those days?

14 [REDACTED] On November 4th.

15 Mr. Coby. Okay.

16 [REDACTED] And then, on November 10th, between 9:44 and 10:37 a.m.

17 Mr. Coby. Okay. Do you have, like, how long they were? I don't know if  
18 that's important information or not.

19 [REDACTED] Let's see. It's not the easiest spreadsheet to read, so hold on one  
20 second. Let me see if I can find how long they are?

21 Mr. Coby. That's cool. I don't recall talking to him. I don't remember any  
22 significance about any of those calls.

23 BY [REDACTED]

24 Q Is it fair to say the calls you would have had with the family members would  
25 have been about fundraising through digital?

1           A    Probably, yes. I mean, that's typically what people talk to me about.

2           Q    And is it fair to say -- and, at that time, there was not -- digital ads weren't  
3 really going out, right? Those were talks?

4           A    That's correct.

5           Q    So it would have been -- those calls would have been about fundraising  
6 through emails or texts?

7           A    They would never ask about, I don't think, general specific stuff. In the  
8 general conversations about fundraising, I don't recall specific ones with Eric post  
9 election. You know, I don't know if Eric really even had -- like Eric -- I don't think he  
10 would ask me about, like, numbers, like Jared, how much did we raise, what are we  
11 looking like? I'm not certain what he would have asked me about at that time.

12

BY [REDACTED]

13           Q    Well, so, if I was understanding you earlier, you said that there were at least  
14 some family members that were concerned that the campaign not end up in debt, that  
15 they didn't want to end up in debt.

16           A    I think Jared expressed in budget meetings that we did not want to end up in  
17 debt.

18           Q    Okay. And so -- and I also think you were explaining that sometimes there  
19 was a lag, so you might not be able to tell instantly how much money was coming in.

20           A    That -- well, I think accounting could figure out pretty good. But, in terms  
21 of when donation was given relative to money in bank account, there was a several-day  
22 lag.

23           Q    Is it possible the conversations that Trump family members -- well,  
24 specifically Eric Trump -- was calling you about the day after was how was fundraising  
25 going after the election, or plans to fundraise after the election?

1           A    I have no idea what we talked about.

2           Q    How many times do you think you talked to him during the course of the  
3   2020 election?

4           A    Over the phone?

5           Q    Yeah.

6           A    I don't know. Like a dozen, dozen and a half. I'm not sure.

7           Q    Oh. So it -- because I guess I had gotten the impression that it wasn't that  
8   common to speak with him?

9           A    It wasn't like a significant thing if Eric called me. Like I didn't -- like it wasn't  
10   like a marker in the brain of, you know, like, of him calling me, so -- so I don't know. I  
11   don't know how often I talked to him.

12          Q    Okay. Was it a common enough occurrence that you didn't note the  
13   conversations, for lack of a better word?

14          A    Yeah. I mean, it was probably just like -- the topic was probably so just like  
15   random or irrelevant, like -- so it would be nothing to note.

16          Q    I guess what I'm trying to figure out is -- and please correct this impression if  
17   it's wrong -- the impression was that the Trump family members, especially the children,  
18   spoke with their father quite frequently, so the impression that we have been given was  
19   that, when the children called, that was the executive leadership of the campaign with  
20   the direct line to the President, so those conversations have been described as important  
21   or relevant, but was your relationship different where they were more casual?

22          A    I'd say how I kind of handle talking to anyone, including the President, I talk  
23   to him like I talk to anyone else. And, if he called me, no big deal. And so any Trump  
24   family member -- you know, I'm happy to speak with them, but it was never like a  
25   significant matter. It was like, oh, they're calling me.

1 Q Okay.

2 [REDACTED] Is that now?

3 [REDACTED] Uh-uh. No.

4 [REDACTED] Oh, okay. I thought we were having additional technical difficulties.

5 [REDACTED] No. That's old.

6 Mr. Nassikas. And, [REDACTED], so I understand, you've got records that show calls  
7 coming from a phone that belongs to Eric Trump? You don't know it's Eric Trump calling  
8 necessarily?

9 [REDACTED] Yeah, that's fair. I could be -- I believe it's a Trump -- excuse me -- a  
10 phone registered to him. It could have been Laura Trump on his phone. That's a fair  
11 point.

12 Mr. Nassikas. Or anyone.

13 [REDACTED] Did you --

14 Mr. Nassikas. Or anyone, right?

15 [REDACTED] We don't have any reason to believe that his --

16 Mr. Nassikas. Okay.

17 [REDACTED] -- phone was stolen.

18 BY [REDACTED]

19 Q But, I mean, presumably -- like -- it's a fair question to say that did you have  
20 conversations with Laura Trump, because you did mention that you, I think, had more  
21 conversations with her?

22 A Yes. I've -- had talked with Laura.

23 Q Do you remember talking with her right after the election?

24 A No. Not -- no specific conversations.

25 Q Okay.

1           A    But they -- she was present at the White House.

2           BY [REDACTED]

3           Q    And did she ever call -- did she ever call you on his number, on Eric's  
4   number?

5           A    I don't believe so.

6           Q    Okay.   And did Eric -- when he called you, he called you from the same  
7   number typically in that time period?

8           A    I believe so, because he's in my phone --

9           Q    Yeah.

10          A    -- saved.

11          Q    What role did you understand Laura Trump to be playing in the 2020  
12   election?

13          A    She was a surrogate, you know, go out on the road, do events, go on, you  
14   know, TV.

15          Q    Uh-huh.

16          A    And then an adviser.

17          Q    Did she have -- I'm sorry.   Go ahead.

18          A    It was general advising.

19          Q    Did they have any particular -- besides the email discussions -- I'm sorry.  
20   Did you want to add something?

21          A    Yeah.   There is Women for Trump was a coalition that she played a big role  
22   in.

23          Q    Okay.   Did she have any other -- a more defined role when it came to  
24   digital?

25          A    No.

1 Q Did you have conversations with her outside of the volume of email  
2 conversations regarding digital?

3 A In terms of digital fundraising?

4 Q Uh-huh.

5 A Probably. I don't recall a specific one.

6 Q Well, I'm trying to get a sense of was her -- was her comments about the  
7 email fundraising just was like I ran into Gary, and I just had a thought the way --

8 A Sometimes, yes.

9 Q Yeah.

10 A I'd see her in the building, and she'd bring it up or --

11 Q Okay.

12 A -- she'd text me --

13 Q Yeah.

14 A -- or email.

15 Q Did you know her to have a role with AMMC?

16 A I heard about that in media reports in kind of their original -- I don't  
17 know -- formation of AMMC.

18 Q Did you know about that separate from media reports?

19 A I don't think so, but I may have. It's tough to, you know, separate those  
20 two things.

21 Q Do you remember her speaking to you about anything related to AMMC?

22 A I don't think so.

23 BY [REDACTED]

24 Q What about the -- there was another individual related to Vice President  
25 Pence, I believe.

1           A    Yeah. John Pence. Similar situations. Her -- they were -- I don't  
2 know -- I believe it was via media reports, but my understanding is they were kind of the  
3 original people who formed it, or I don't know what the proper way to describe it would  
4 be.

5           Q    But did you ever actually have any interaction with them as representatives  
6 of AMMC, or discussions about AMMC?

7           A    I don't think so. But, as -- you know, for interacting, it sounds like I'm  
8 talking to you from AMMC right now. I don't know how to decipher if they were  
9 having --

10          Q    No, no. That's fair. I guess what I meant was -- is did you ever see them  
11 involved or actually take any active role in AMMC? Did you ever actually see that  
12 association in practice?

13          A    I don't believe so, but I don't even know what that would be that I would  
14 see.

15               BY [REDACTED]

16          Q    Well, for example, you know Mr. Dollman was involved in AMMC, right?

17          A    Yes.

18          Q    So you saw his action -- you saw him in action with relation to AMMC?

19          A    Paying bills, yeah.

20          Q    Yeah. And you saw Mr. Canon? Was he involved in AMMC?

21          A    I don't know if I saw him doing AMMC business.

22          Q    Uh-huh.

23          A    I don't know. It's -- what does that -- what -- seeing that, like Dollman had  
24 to pay the bills. Maybe -- I'm sure if he did some things on legal matters and --

25          Q    Uh-huh.

1 A -- legal guidance. I don't know if I would necessarily see that.

2 BY [REDACTED]

3 Q I guess --

4 A I don't think I really understand.

5 Q It's a weird thing, because, you know, it's like, well, I got the impression that  
6 maybe they were involved, right. So, with Sean Dollman, there was a very clear evident,  
7 a guy is signing the bills.

8 A Okay.

9 Q It felt like, at some point, you had said with Alex Cannon, that there was  
10 something that, for whatever reason, something gave you the impression that he might  
11 have been involved in AMMC. Was there anything like that that gave you the  
12 impression that Laura Trump or -- I'm sorry. I forgot --

13 A John Pence.

14 Q -- John Pence had any actual relationship with AMMC that you can  
15 remember?

16 A Other than media reports or them or other people --

17 Q Other than --

18 A -- people telling me they are?

19 Q Okay. So that's different. So media reports aside --

20 A Okay.

21 Q -- let's carve that bucket out and not include what you may have read in the  
22 media.

23 A Okay.

24 Q But, in terms of other people telling you, include that.

25 A I'm not for certain, but when that was first created, I feel like someone told



1 me they were, you know, involved.

2 Q Okay.

3 A Maybe a Brad Parscale or Dollman or Cannon told me that. I don't  
4 remember. I don't remember if that occurred, but that would be the only thing outside  
5 of a media report.

6 Q And, again, going back to what John said earlier, understanding that is your  
7 best recollection and kind of what you can remember.

8 [REDACTED] Go ahead.

9 BY [REDACTED]

10 Q All right. I want to turn to Austin's fundraising role and his team.  
11 We talked about Hannah Allred was the chief copywriter, correct?

12 A Yes, sir.

13 Q And she reported to Austin as the deputy digital director. Is that right?

14 A I believe so.

15 Q And, when you say I believe so, do you have any -- are you hesitant about  
16 that?

17 A That sounds correct, but I wasn't like -- I don't feel I played a role of  
18 oversight of that, Hannah to Austin, and so, you know, seeing how they worked together,  
19 you know, what -- what he managed her on was not in my point of view, and so that's  
20 why I say, yeah, I believe so, because that's how I think it worked, but I -- I don't think I  
21 had good first-person experience of seeing it.

22 Q Are you saying you don't know whether Hannah reported to Austin?

23 A That's -- no, no. I believe she did, yes. I'll go with yes.

24 Q Okay. Now, I want to talk a bit about your understanding as to the  
25 copywriting process for small-dollar fundraising. Is it fair to -- we've talked about direct

1 persuasion and performance marketing. Is it fair to say the point of a fundraising email  
2 is to -- or text is to make the recipient take an action, namely making a donation?

3 A Take an action. Sometimes it's not a donation. Sometimes it's a lower  
4 barrier of entry, i.e. a survey or a poll --

5 Q Okay.

6 A -- petition, but then a subsequent ask for a donation.

7 Q So the ultimate goal is always a donation, but the initial action may not be to  
8 donate?

9 A Correct.

10 Q But that's because it's a long-term play for a donation. Is that fair?

11 A Yeah. Upper funnel. We're getting a user to, you know, gradually -- you  
12 know, they've got to open the email. They've got to click the email. They've got to,  
13 you know, give us maybe a data point, you know, all these things that occur prior to the  
14 conversion of donating money. And, measuring those objectives, that might be the goal  
15 for a segment of users.

16 Q Okay. And you're -- the value add of a copywriter is, in a sense, is it not, to  
17 use the kind of language that would make someone take the action that you are -- that  
18 you're seeking?

19 A Their goal is to write copy to, you know, achieve those objectives.

20 Q Yeah. And is it fair to say that, as part of that process, in fundraising  
21 industrywide, in political fundraising, there is going to be a use of more excited or  
22 hyperbolic language?

23 A At times.

24 Q And why is that?

25 A You know, texting has proven that it achieves the result.

1 Q That it makes people act and respond to donations. Is that fair?

2 A Some users. And that's one of many tactics, but yes. It's been proven to,  
3 you know, produce the objective -- the result of a user converting.

4 Q A user? I'm sorry? Converting?

5 A A user converting, yes.

6 Q And does that mean that, when you convert, you become a donating user?

7 A Yes.

8 Q Okay. And you used the word tactics. Is it fair to say that it is normal to  
9 have a variety of tactics that are effective for fundraising in the political space?

10 A A good team would, yes.

11 Q Okay. And what are some of those tactics that the digital team in this cycle  
12 for the campaign used?

13 A Yeah. Deadlines, selling merch, contests. Contests are probably the most  
14 prevalent, where, you know, contests to win a signed piece of merchandise or meet the  
15 President, get a photo with the President, go to an event. Urgency deadlines. That's  
16 probably your general broad toolkit.

17 Q And was urgency in language also one of them?

18 A Yes.

19 Q Okay.

20

BY [REDACTED]

21 Q The things that you just listed, do those qualify as direct response?

22 A Direct response -- those things are utilized in direct response, yes.

23 Q But I'm not asking it right. Your answer suggests I'm not quite accurate in  
24 what I'm saying.

25 A Direct response is -- so there is persuasion brand marketing, you know, like

1 the car commercial, or car ad. They're not expecting you to click and buy that car  
2 right -- in that moment. You know, they want to persuade you that the car is a good car  
3 and, you know, hope you like it, and then eventually you go out and purchase it or  
4 something.

5 Direct response, e-commerce, direct to consumer is where it's like you see a  
6 T-shirt ad, and they want you to click on it and buy the T-shirt right then, an immediate  
7 action.

8 Q And so my understanding -- I think we touched on this earlier. You have a  
9 company called Direct Persuasion, right?

10 A Yes, ma'am.

11 Q And is it fair to say it's somewhat built on the effectiveness of combining  
12 direct response plus persuasion?

13 A In 2016, when I -- I ran the digital advertising largely for RNC Trump. You  
14 know, we ran a series of tests in the summer where we tested content that was critical of  
15 Hillary Clinton or content that was -- we'll talk about what Trump was going to do when  
16 he got in office, you know, his policy.

17 And the content that did better was -- both for persuading people and for  
18 fundraising was him talking about his policies of not like attacking Hillary Clinton. And  
19 so we were running direct-response ads where the objective was a fundraising objective.  
20 But, because the most successful direct-response content was also his message, his  
21 policy, we were getting a double value prop of look at all the views and engagement,  
22 et cetera, we're achieving on the message and the net positive, you know, where typical  
23 persuasion is a -- you know, you just lose money. You just spend. You don't get  
24 anything back.

25 We're spending money, sharing the message -- the President's message -- then

1 candidate Trump's message. We're making the money back, and we're sharing that  
2 message widely.

3 And I explained that to then my boss, Gerrit Lansing, and I don't know  
4 who -- which of us said it. It was like -- oh, it's like direct persuasion. I think I did.

5 And then -- that was just like a made-up term. And then, when I went to start a  
6 company and just kind of brainstorming ideas, I don't know, ended up on that one.

7 Q But am I remembering right that there is also an aspect of persuasion being  
8 very difficult to measure?

9 A Yeah. Persuasion, because, you know, if it's direct response, I can see, you  
10 know, the tools of Facebook, Google, et cetera, they can give us the tools to say, you  
11 know, you clicked on this ad, and then I put their, like -- their cookie -- their pixel on my  
12 conversion page, my thank you page.

13 And so, if the user -- you click on it, they know that you clicked on it, because  
14 you're on their platform. And then if you get to that end page, I've told Facebook that's  
15 what I want to achieve. I want the user to end up on that page. If they do, I value that  
16 user. Give me more users like that.

17 Q And so direct --

18 A So I can -- sorry to cut you off.

19 Q Yes. Please.

20 A I can measure that very cleanly.

21 Persuasion, how can you measure if someone was persuaded. There is no  
22 action. And we toyed around and the world of advertising has toyed around with that,  
23 you know, for a long time. But there is no action that's very clear, oh, you have been  
24 persuaded. You did X while watching a video.

25 Q But presumably -- is it fair to say that, if somebody is looking at --

1 [REDACTED] Hold on one moment.

2 [REDACTED] Let's go off the record one second.

3 [Recess.]

4 [REDACTED] We are back on the record.

5

BY [REDACTED]

6 Q So I think, right before the break, we were talking about the -- I keep calling  
7 it direct persuasion just because it is a -- a useful denomination of words, but the  
8 persuasive part being hard to measure, adding a direct response gives you a measurable  
9 response that assumes some level of success in the persuasion. Is that fair to say?

10 A Direct-response ads, though you're asking user to donate, probably isn't a  
11 persuade of an audience you're targeting with persuasion, because they're probably  
12 already a supporter. And I don't think it would be a successful way to measure  
13 persuasion to a persuasion audience. I think that -- like, that's just so far down the  
14 funnel.

15 Like a user in September, with a month or a week before the election, is  
16 undecided, the thought that you're going to show them a video and now they're donating  
17 money, I don't think is a correct way to look at the impact of persuasion.

18 Q If you saw somebody whose donation habits increased in response to the  
19 fundraising emails, would you assume that there was some persuasive success to the  
20 fundraising emails?

21 A We didn't think about it that way. You know, it could be many things. It  
22 could be the user is already ready to give and just getting it in front of them, you know,  
23 giving them the option, reminding them of -- I think there is a lot of variables.

24 Q What I mean by that is, if you have individuals receiving emails who did not  
25 give, and then you saw individuals giving in response to the emails, would you assume

1     that the message -- that there were certain messages that were not persuasive, and then  
2     there were certain messages that were persuasive?

3             A     That would be one of many factors.   Also, do they even see it, do they read  
4     it?   There are several variables, but the impact of the message and how that made the  
5     user, you know, feel in terms of do they want to give money was definitely one of them.

6             Q     So I guess what I'm trying to get at, because we don't have the background  
7     that you do, is, if somebody donates in response to a fundraising email, is it fair to say  
8     that that was persuasive -- successfully persuasive?

9             A     That's not always the case --

10            Q     Okay.

11            A     -- but maybe.

12            Q     Can you explain, like, why it would not be the case?

13            A     Some users are just watching the news or whatever.   They're talking to  
14     their friend, and, therefore, in that moment, they care about the campaign, or they care  
15     about getting involved and financially contributing, and this is why it's important to send  
16     a lot, because, when they open their box, you want that option to be there, and it doesn't  
17     even matter if it's a good option.

18            Q     Okay.   So the point being there could be, like, a lot of factors that  
19     contribute why somebody would donate in response to a fundraising email other than  
20     the copy of the fundraising email?

21            A     And I think likely the vast majority of factors are not the email copy.   It's  
22     what's probably happening in their life.

23            Q     Okay.

24            [REDACTED]   Go ahead.

25            BY [REDACTED]

1 Q Now, but the processes that you said -- that -- from June 2024 that were set  
2 up, you were looking at the copy to decide what was effective and doubling down on  
3 that, though, weren't you?

4 A The team would look at that as one of the things to decide what was doing  
5 best?

6 Q Yeah. So the team believed that the copy mattered. Is that fair?

7 A Correct, but what I was talking, you know, to [REDACTED] about was, you know,  
8 a user being in a cohort or world of giving mentality was probably impacted by a lot of  
9 external factors.

10 Q Fair.

11

BY [REDACTED]

12 Q I think, getting back to the point, that my question was somewhat more  
13 academic, because you guys did have really good metrics for -- in terms of what you could  
14 control or what impact you could have. You did have a good idea of what copy did  
15 impact donation habits, right? I don't want to take away from -- from the fact that your  
16 metrics seemed to be pretty effective at knowing what worked. Is that fair?



1

2 [12:20 p.m.]

3 Mr. Coby. Yes, the team had the tools to determine which of the different  
4 copies that are being deployed and what would work best.

5

BY [REDACTED]

6 Q I just got the impression a minute ago what you were saying is there could  
7 be external factors that we didn't have control over that were also impacting them.

8 A Yeah, from a high level. Many things are going into the user. You know, I  
9 was giving money to a political campaign is what I referring to.

10 Q That's what I understood it to be.

11 A Okay. Cool.

12

BY [REDACTED]

13 Q Now, we have talked about this process that were set up where senior  
14 leadership wouldn't be the bottleneck. Now, I want to understand a little bit more  
15 about what that process, what you understood it to be. What was your understanding  
16 as to how -- let's talk about the messaging that fed into Coby that went to the fundraising  
17 emails and texts. What was your understanding of the process by which copywriters  
18 obtained source material for funding emails or texts?

19 A Not certain exactly, but my understanding would be, you know, anything the  
20 President said -- said or tweeted, press releases, content being put out, you know, by the  
21 comm folks or surrogates talking on television. Potentially probably other  
22 conservatives, talking heads, or personalities of the world and, you know, that are talking  
23 on topics that the campaign is also talking on. And then, I imagine there is a degree of  
24 them grading, you know, the content from their own expertise of it.

25 Q So is it fair to say that if President Trump is focused on a topic, that it's likely

1       that the copywriters would focus on that topic?

2           A     Yes.

3           Q     And it's fair to say you would expect them to do that?

4           A     Our job, you know, obviously, Donald Trump is running for President in a  
5       reelection, and, you know, I think it's -- the mindset we have, it would be foolish for us to  
6       think we're better at coming up with the message than he is.   Like it's his game.   I know  
7       he obviously has done a good job and, you know, in terms of achieving -- he became  
8       President obviously in '16.   So the mindset was, yeah, if he is pushing on a topic or  
9       discussing a topic, the way he is discussing it, he is the leader of that topic, he is the  
10      leader of the campaign.

11               BY [REDACTED]

12          Q     I think the way you put it that struck with me last time was it's his barbecue,  
13      or something to that effect?

14          A     Something like that.

15          Q     It's a memorable moment.   Do you remember if anybody used a software  
16      program called Acoustic?

17          A     We used to.   No, I never heard of that.   It's one that starts with an A, but  
18      it's not Acoustic.   What does Acoustic do?

19          Q     I think it's a software that prioritizes, like, marketing or language.   I think  
20      it's like marketing solutions through AI, or something?

21          A     I don't believe I have heard of that.

22          Q     Okay.

23          A     Is that something that like someone said we used?

24          Q     It came up, but we were just trying to figure out which software, whether  
25      there was -- I know we're going to come to some software that you discussed.   We were

1 just trying to figure out what was the world of software that was used in digital  
2 fundraising --

3 A Okay.

4 Q -- and whether there was anything that either optimized marketing  
5 language. Like was there anything that they used to automate the copywriting process,  
6 or was that pretty manual?

7 A Not that I know of.

8 Q Okay.

9 A I don't believe so at all.

10 Mr. Nassikas. That's a scary campaign of the future. All automated.

11 [REDACTED] A lot of this is, yeah, very different.

12 Mr. Coby. Is there a GP3 or something AI system -- yeah, that's what's coming.

13 No idea.

14 [REDACTED] Well, yeah, it's coming for your job.

15 Mr. Coby. I don't work on the copy.

16 [REDACTED] You have to get ahead.

17

BY [REDACTED]

18 Q So focusing on this production of copy. When we moved to Election Day,  
19 as we've said the fundraising continues post-election day, which is November 3rd, and  
20 November 4th, we see the emergence of stolen election claims. And we're going to  
21 review some of those, and we'll talk about those. Do you recall any directives regarding  
22 a pivot to claims regarding the 2020 election and fundraising?

23 A I do not recall the specific directives.

24 Q Kind of walk us through how you think that occurred. Because just to lay  
25 the framework, you will see we have claims -- we have fundraising emails on a

1       certain -- on a variety of topics. And we have discussed how you said it would have  
2       been certain that there would have been a directive to continue fundraising before  
3       Austin's team would have engaged in that. And then under the next day,  
4       November 4th, we immediately see claims about a stolen election. So walk us through  
5       how we get from election day to what appears to be a clear pivot to a focus on a specific  
6       message.

7           A     Can I ask a question?

8           Q     Yes, sir.

9           A     In you-all's discovery process, did you come across topics -- that topic -- and  
10       not saying necessarily the election being stolen, but, you know, potential election fraud,  
11       they're trying to steal. I remember that was the topic pre-election, too, just because all  
12       the court fights about mail-in voting, and stuff like that. Did you come across that?

13          Q     Well, you know, we're really here for your recollection, not ours.

14          A     Right.

15          BY [REDACTED]:

16          Q     It's not an unreasonable question. What we want to be really careful about  
17       it. We don't want to put something in your head that you don't recollect by accident,  
18       and then you are not sure whether it was something we told you versus your best  
19       recollection.

20          A     Let me say it differently, because that's understandable. Sorry. I'm new  
21       at this. I feel like November 4th wasn't necessarily -- and I am not certain, but I don't  
22       feel like that was the first time -- maybe in fundraising, maybe it was, but definitely not  
23       the first time I don't think Donald Trump was talking about it.

24          BY [REDACTED]:

25          Q     And I should be clear, I wasn't suggesting that was the first time.

1           A    Okay.  Go ahead.

2           Q    So the question I was asking, what I'm suggesting that there was a focus, or  
3 post election there was a focus that narrowed down on election integrity issues.  We  
4 use that terminology.

5           A    Okay.

6           Q    Which, frankly, is not surprising.  It's post election.  You are no longer  
7 telling folks to go out and vote or do this, election has occurred, you are, in a sense,  
8 you're talking about the post-election activities.  What I'm asking is how did that -- what  
9 I'm characterizing as the pivot, and I not suggesting the first time it was mentioned --

10          A    Okay.

11          Q    -- but how did that, what seems to be renewed focus, how about that, come  
12 about?

13          A    I don't know.  Like, what I would assume would have happened and what I  
14 believe happened is that's just what was being discussed.  Like it was kind of a  
15 no-brainer.  I -- you know, if I recall correctly, you know.  When the President gave a  
16 speech late that night, and I'm sure the campaign probably put out some messaging; we  
17 probably got the messaging from comms.  I don't remember for certainty.  But it's just  
18 like what happens.  And that probably drove, you know, this is what's occurring, this is  
19 what we're saying.  And then the team would build from that copy.

20          Q    And you as a digital director, would you have been involved in that -- in this  
21 process you're talking about, or is this the kind of automated machine that was set up to  
22 do what it does?

23          A    Strategy would have done outside of digital in terms of what the campaign is  
24 saying.  And then digital would utilize that degrade copy.  And, you know, it's not  
25 automated.  Humans are doing it.

1 Q Yeah.

2 A Yes.

3 BY [REDACTED]:

4 Q So going back a minute ago, you made the point which is a valid one is that,  
5 or this is what I was taking from it, so correct me if I'm wrong. Pre-election, there were  
6 other issues, right, that mattered in this instance that the President was talking about,  
7 why you should vote for him, right, because the election hadn't happened yet. So to the  
8 extent that there was discussion about the possibility of the election being stolen, it was  
9 sprinkled among other things in the discussion of the election. But post election, there  
10 is nothing -- there is no more issues except for the one, right, the stolen election. Is  
11 that -- that was kind of the impression of what I was getting from you, but correct me if  
12 I'm wrong.

13 A Yeah, I don't -- like, I have never like thought about it that way, but I feel  
14 that's -- like, yeah, that makes I mean -- yeah, I don't think we were going to talk about,  
15 like, his foreign policy position and that environment.

16 Q And I guess what we're trying to figure out is you're having these weekly  
17 team meetings, you're having the weekly senior staff meetings, is there a conversation  
18 that's basically, then there is only one thing left guys, and that's the election is stolen.  
19 Like because there is presumably people still working at the machine doing this. So is  
20 there some discussion that basically says, yes, this is -- this is the plan going forward?

21 A There may have been, but I think it's kind of like a given known, like, that's  
22 what is only being discussed at that time.

23 Q So is it fair to say it wasn't necessarily something that may have come up as  
24 a question, as much as everybody just understood it, and it was presumed to be the case,  
25 and you just continued on with that assumption?

1           A    Yes, I believe so.   Maybe a quick, like, So we're doing, you know, this topic.  
2   Like, yeah, you know, because, that's you know, again, I don't -- I think the team  
3   just -- you know, the team got pretty good at identifying what was in the news and what  
4   was relevant, you know, what the President was discussing.   So I think that would have  
5   happened pretty naturally.   I don't think it would have taken a big discussion.

6           Q    It could have been as simple as stolen election it is, yeah.   Let's go.   I  
7   mean, I am obviously paraphrasing, but whatever the -- you know, this is the message,  
8   let's go.

9           A    Yes, and maybe not even needing that.

10          Q    And, presumably, if everything that Jason Miller or the strategy team, the  
11   comms team is giving to you guys, whether for fundraising or persuasion, is all stolen  
12   election, stolen election, it would have reinforced this is what we're doing?

13          A    Certainly.   And I don't think it was the process where they were giving it to  
14   us.   They were just like saying stuff publicly.   Sometimes things were internal.   But  
15   largely it was the team monitoring what the campaign was doing publicly.

16          Q    Okay.

17          A    The team and, you know, just like you watch Donald Trump's Twitter  
18   account, they'll watch the senior people on the campaign.   You are presumably, you  
19   know, delivering the message as surrogates.

20          Q    Well, we focus a lot on fundraising, but we constantly forget.   I think you  
21   pointed out last time that digital served kind of like a cross-functionality purpose, where  
22   text that might not have been fundraising, that might have been Persuasion that would  
23   have gone through you.   Emails may not have been fundraising that were Persuasion  
24   would have gone through you.   So we -- we can be a little myopic when we say  
25   fundraising, but you really saw everything digital.   Is that fair?

1           A    The team did.

2           Q    The team did?

3           A    Yes.

4           Q    And, so, a lot of the strategic communications and messaging -- a lot of  
5 higher level strategy and messaging strategies, they may have been coming through to  
6 you, not necessarily for fundraising purposes, right?

7           A    Yes. And I think there was maybe a daily, I think it's daily comms call that I  
8 think some on the digital social team joined. I don't know if copywriters or channel  
9 deeds joined it. But I think I want to say Mike Hahn was on that, who led the social  
10 media channel for digital. There were other social media channels. I do not believe  
11 they were comms channels. And I feel like he -- I believe he communicated things from  
12 that meeting to others in the digital team.

13          Q    And presumably, if it was, this is the message, this is the communications,  
14 this is what we're doing, the idea would be you would take that and fundraise off of it  
15 because that's what we're saying?

16          A    That would be our message.

17          Q    Right.

18          A    Yes.

19          Q    I was about to use that term, but I didn't feel completely comfortable  
20 accumental-wise, but on message --

21          A    Yeah.

22          Q    I am going to use it now.

23          A    There is even a firm called On Message.

24          Q    Well, that seems less creative now that you have explained that.

25               BY [REDACTED]



1           Q    We're going to look at exhibit 1, Mr. Coby. This is -- it came out quite small,  
2   the printing. So we'll -- we can zoom it in here to the extent that -- I don't know if that is  
3   easier. This is an email that went out from the from TMAGAC on November 4th, 7:42  
4   p.m. And the first line says, "Breaking Democrats' plan to steal the election." And the  
5   second paragraph it says, "It's no secret the Democrats will try to steal this election.  
6   They can't stand the thought of America rejecting their candidate. So they'll do  
7   whatever it takes to manipulate the results." Do you recall seeing messages like this  
8   come out from TMAGAC?

9           A    No, I don't recall this message.

10          Q    Not this message. Messages like this?

11          A    I remember the general message theme that this would live under, yes.

1

2 [12:34 p.m.]

3 BY [REDACTED]:

4 Q Okay. I want to talk a bit about an email like this going -- how it  
5 gets -- before it gets to the user, as you have said. Is it fair to say that the copywriters  
6 would draft this copy --

7 A Yes.

8 Q -- and then Austin would approve the copy?

9 A I don't know if Austin -- if that was part of the process.

10 Q Okay. What did you understand happened?

11 A I don't know what occurred within that copy, fundraising team of review  
12 before it went to the approval chain.

13 Q Is your lack of knowledge there because you, because you empowered  
14 Austin to run it as you saw fit?

15 A It didn't seem necessary for me to understand that.

16 Q I guess what I am not understanding is -- what I am trying to understand is  
17 that, who was it necessary to understand it? Who was the individual who could answer  
18 that question, probably?

19 A I imagine Austin -- I'm not trying to be like, you know -- Austin could answer  
20 if he reviewed it. Yeah.

21 Q Yes. I guess what I am asking is that this process by which copy goes from a  
22 copywriter through the team email gets segmented, like, this is a critical part of how a lot  
23 of money is raised. Is that fair?

24 A Yes.

25 Q Okay. So what I'm asking you as digital director, who did you task with

1 putting together the prospect about how this worked?

2 A I mean, it's just like the writing the copy and like -- that just seems like a  
3 very, it's an important part. But like me telling someone how to do that doesn't, like,  
4 make sense to me.

5 Q Well, I'm not asking whether you -- let me be more precise on what I'm  
6 asking.

7 A So I'm not trying to be difficult or anything.

8 Q I don't think you are -- is that what did you understand Austin to do?  
9 Because, right, Austin, he is on your senior leadership team together, correct?

10 A Yes.

11 Q And provides you updates, weekly, if not more on what he is doing on his  
12 team. Is that right?

13 A Yeah.

14 Q And you are his direct supervisor, to some degree, shared with Kevin  
15 Zambrano as well, correct?

16 A Yes.

17 Q And the work he's doing is critical to raising hundreds of millions of dollars  
18 with the campaign, correct?

19 A Correct.

20 Q So what did you understand him to do?

21 A Lead that team. How he led it was not something I knew specifically.  
22 Frankly, he did a great job. And when people are doing a good job, you probably look at  
23 it less, you mess with it less.

24 Q Uh-huh.

25 A And, you know, if I could, you know, if I think about people not in

1 digital -- the nondigital employees of the campaign, probably, Gary does everything.  
2 Which is just ridiculous because it's a massive team with a lot to do, right? Same I think  
3 it would be incorrect of me to assume that Austin does everything, or is doing X, Y, or Z.  
4 Just like I don't think people outside of digital necessarily know which specific things I was  
5 working on within digital. Similar, I don't know what specific thing within the  
6 fundraising team Austin is like overseeing or managing or whatnot. They're creating a  
7 process that's getting copywritten and is getting to the approval chain. What exactly  
8 and what part he's doing in that, I do not know, I did not care because they were  
9 achieving good results.

10 Q But you understood him to generally have oversight over this process? Is  
11 that fair?

12 A Yes.

13 BY [REDACTED]:

14 Q To be clear, if something was wrong, it would have been Austin's  
15 responsibility, right?

16 A I would call Austin. That's because he's, you know, he's the chain of  
17 command, right?

18 Q Right.

19 A And I would expect Austin to tell me if something was wrong that he became  
20 aware of.

21 Q And to be clear, Austin was not the one who was responsible for -- maybe  
22 like a typo or something, but in terms of catching something, you know, we've been  
23 thinking that the quote approval process was not Austin, it was that separate, these are  
24 the people you send it to. So it wasn't really his job to catch the big things wrong.  
25 That was the approval process. Is that fair?

1 A Big things meaning not typos?

2 Q Right.

3 A Okay. Yeah. I mean, legal approval, research, comms approval, it's not  
4 within digital.

5 Q Right.

6 BY [REDACTED]:

7 Q And if Austin -- for example, if we go to email number two, just to give you a  
8 sense we're on the same page. These first three emails. Email No. 2 says, The  
9 Democrats will try to steal this election. This is also November 4th shortly after the one  
10 we just -- that we just talked about. And one of the lines there is "We cannot allow the  
11 left-wing mob to undermine our election." And then we'll look at -- just to give you an  
12 example, exhibit No. 3 which is shortly after that email, I think about an hour and a half  
13 later, and on the same night, it says "the Democrats will try to steal the election.  
14 President Trump needs you to step up and defend the results."

15 Now, is that 1000 offer -- 1000 percent offer activated? Is that one of those  
16 tactics we talked about that is more likely to make someone contribute?

17 A That's a marketing tactic, yes.

18 Q And is it fair to say that what the Digital Team is doing at its core, that you all  
19 are marketers?

20 A Yeah.

21 Q And these three emails we've read make a variety of factual assertions.  
22 One assertion that is within all three emails is that the Democrats will try to steal this  
23 election. And almost verbatim, it's repeated in all three emails. Is it fair to say that the  
24 truth of that statement was not -- that the Digital Team was not concerned with whether  
25 that statement was true or not? Do you know if they were concerned with whether that

1 was effective for marketing purposes?

2 A I would say the things the team says -- they represent the organization that's  
3 it's, you know, drafting copy for. And, you know, the team wouldn't just make  
4 something out of thin air, I guess, or, you know, I think copy would reflect what the team  
5 felt the organization viewed and believed.

6 Q So, and I appreciate that. I want to parse out two ideas.

7 A Okay.

8 Q One is whether a statement is consistent with the campaign's position?

9 A Yeah.

10 Q And I understand you're saying that the copywriters would put forth copy  
11 that was consistent with the organization's position. Is that fair?

12 A Yes.

13 Q And here you're saying the campaign's public facing position was that the  
14 Democrats are going to try to steal the election from President Trump. Is that fair?

15 A Yes.

16 Q Now, on the second point as to whether a statement was factually true,  
17 separate from whether or not the organization had that public facing position, would you  
18 say that it was -- is it fair to say that it was not a copywriter's job to be the gatekeepers of  
19 what was factually true in copy?

20 A Yeah, I don't think they're equipped with any of the tools or experience to  
21 make those decisions. They're equipped with tools to decipher what content that is  
22 approved to be factually true, and research legally allowed, and which of those pieces of  
23 content and copy performed well towards an objective often flutters.

24 Q So their primary goal here was, what makes someone take the action  
25 wanted, clicking and fundraising. Is that fair?

1           A    Within a certain scope that is allowed, you know, based on the rest of the  
2 process.

3           Q    Okay. So is it fair to say that the end -- we'll talk about the approval  
4 process.

5           A    Okay.

6           Q    Is it fair to say that the outer bounds of what permissible is decided by the  
7 approval process?

8           A    Yes.

9           Q    And the marketers -- well, the copywriters in their role as marketers, their  
10 job is to within those bounds write the most effective copy that elicits the desired  
11 response from the user. Is that fair?

12          A    Yes.

13               BY [REDACTED]

14          Q    Let me put it a different way: If a copywriter said my job was to make  
15 money, not worry about truth, would you disagree with that statement?

16          A    I don't know. Their job is to create conversions, but I know we just have to  
17 live within a certain bounds.

18          Q    Well, I --

19          A    And the copywriter wouldn't want to spend time writing things that would  
20 get declined.

21          Q    Right.

22          A    It was important for the -- sorry to keep --

23          Q    No, no, keep going.

24          A    It was important for the team to learn and understand, you know, what is  
25 okay legally, communications research-wise, so we can be efficient and not, you know,

1 sending 10 emails for approval, and just like no, no, no, no, no.

2 Q So to [REDACTED] point a moment ago, when he said there were  
3 these -- for lack of a better word -- safety nets, research, comms, legal that set these  
4 outer bounds. And as long as they stayed within those parameters, that was somebody  
5 else's job. Their job was to stay in those parameters and raise as much money as  
6 possible.

7 A Yeah, I wouldn't use the term safety net.

8 Q You would not?

9 A No --

10 Q Oh, okay.

11 A -- it's just part of the process where, you know, content such as this, you  
12 know, exhibits 1 through 3, that messaging does not necessarily, probably most often  
13 does not begin on a digital copywriting team. And a safety net, in my opinion, is like  
14 they're coming up with things, and then we'll see if it passes the check. But I don't think  
15 that was often the process. I think often the process was messaging strategy was being  
16 communicated by the organization that the team was crafting fundraising copy from that.

17 Q But they were given a lot of leeway and creative-freedom, right?

18 A Certainly, I guess. I don't know what that would -- if they felt it lived within  
19 the strategy and the messaging that was being deployed, then yes.

20 Q Right, and I guess that's what I was getting at, right? Like you have got  
21 20-something-year-olds like drafting these messages that are going out to millions, right?  
22 So comms legal, when I said safety net, comms legal and research is basically kind of  
23 there, their guidepost, for lack of a better word, to say like, Hey, whatever great idea you  
24 have, it still has to clear this. So it wasn't just up to a bunch of 20-year-olds, they  
25 couldn't say whatever they wanted. That --



1           A    Certainly not.

2           Q    -- that was the process.   And then once they learned like where those  
3 boundaries were, they had a lot of creative freedom within that fence line.   Is that fair?

4           A    Yeah, I think it's a question of the chicken or the egg.   Because I feel like  
5 when they hear safety net, it's like they're originating themes, and then it has to see if it  
6 passes when I don't -- at times they may have.   But the vast majority, I don't feel that  
7 team is originating messaging themes.   You know, they weren't the strategy arm of the  
8 campaign.

9           Q    Is it fair to say that the strategy arm of the campaign, which, in my head, I'm  
10 thinking Jason Miller and some others, right, kind of like higher-level executive leadership,  
11 is setting high-level themes.   And then the copywriters, assuming that that's the theme,  
12 this is consistent with the messaging, they could say, they could write what they wanted  
13 in here in terms of marketing tactics.   And if it was consistent with the message from  
14 comms, if it passed legal, and if it passed research, they would be fine?

15          A    Yeah, I would say they would take that theme and then put it into a  
16 structure that does well for digital fundraising.

17          Q    Okay.   And really quickly on this one, the fact --

18          A    Which number is this, sir?

19          [REDACTED]   Three.

20          BY [REDACTED]:

21          Q    The thousand percent offer, I feel like in the past like they used to say match.  
22 At one point, did it change?

23          A    Yes.

24          Q    And do you remember what that change was, because all of a sudden it said  
25 match, and then it went to offer?

1           A    I think there is concern on, you know, what that means in terms of match  
2   and offer.   And so I think there was a legal edit.

3           Q    Okay.

4           BY [REDACTED]:

5           Q    And did it also, at some point, go to match and maybe impact to lesson --

6           A    I remember the word impact, but I don't, like, remember them saying use  
7   impact or something.

8           Q    Do you remember feedback from the approval process that these emails  
9   should say, The Democrats will try to steal the election as opposed to Democrats will, you  
10   know, have stolen or going to steal something more definitive.   Do you remember this  
11   edit being added by the approval process?

12          A    I don't recall that, no.

13          Q    Do you remember anyone talking to you as to why the word "try" is used in  
14   these emails?

15          A    No, but the approval chain, there is a lot of them, and I never, not never,  
16   almost never would open them and read them.   It's so much volume.   It wasn't part of  
17   my, you know, job process.   And so if there is pushback or edits by comms, research,  
18   executive, legal, you know, I wasn't following those chains.   I wasn't reading those,  
19   unless someone asked me to, like, join that discussion.

20          Q    And were you at times asked to join the discussion?

21          A    Yes.

22          Q    What are examples of times you were asked to join the discussion?

23          A    When the team, you know, earlier on, this is not a post-election frame, if  
24   that's okay.

25          Q    Yeah, yeah.

1           A     Okay. Early, probably summer, or earlier even, you know, if legal or comms  
2     will just say kind a broad no, it's not very helpful to the team, because A, we don't want to  
3     keep sending stuff against a no, and it's a waste of time; two, it's very -- it was my  
4     objective when I did get in it was to understand like why now, like what is wrong with  
5     whatever is, so the team could adjust because it could be something insignificant. And  
6     that just wasn't made clear. One example is, like, you know, the team will want to say,  
7     you know, the President wants to know who donates after -- wherever he gets off Air  
8     Force One. And legally, well, you can't say Air Force One, and things like that. And I  
9     would get tagged in by the fundraising team would ask me to, you know, help discuss on  
10    a matter if, you know, they felt the edit was, you know, basically throwing out the whole  
11    email and not getting to a better understanding of why. I would help mediate it after  
12    the discussions.

13           Q     Do you recall being tagged in on those post-election on any issues?

14           A     Post election, no, I don't believe so. But I may have, I just don't recall.

15           Q     Do you recall any substantive conversations with anyone on the approvals  
16    team regarding the approvals of fundraising email or texts?

17           A     I don't recall any specific organizations.

18           Q     And the approvals team has comms, right?

19           A     Yes.

20           Q     And then research?

21           A     I think it's kind of both. You know, there is TGT and RNC.

22           Q     Yeah.

23           A     I don't know all the people on RNC that well. I don't remember who it was.  
24    DJT comms research, I believe, was the same person.

25           Q     Okay.

1           A     Actually, sorry. I don't know what you called Miller, if you called him  
2     comms. Because at that point, I believe, we had to also get approval from, what's her  
3     name? Kingsley who was -- Kingsley, I think, Cortez was Jason's, like, assistant. And  
4     Jason had to -- Jason Miller had to approve as well. But then the comms research  
5     person for the campaign was Zach Parkinson.

6           Q     Okay. Was the comms director Tim Murtaugh, was he on these approval  
7     emails?

8           A     I am pretty certain he was on them, but did not -- I don't think he -- he  
9     wasn't necessarily approved, person that had to say, okay.

10          Mr. Hibey. I don't want to interrupt your flow, but I'm going to do it. I just  
11     want to make sure, are we talking over the entire campaign, or are we focusing on  
12     post-election time period?

13                 [REDACTED] So let's -- we'll specify.

14                 BY [REDACTED]

15          Q     Post election, the approval process, is it fair to say that Zach Parkinson was  
16     the lead for the campaign on the comms research side?

17          A     Yes. I don't think it -- in the last month of the election and post election, I  
18     think it was the same.

19          Q     It was consistent. Okay. So is it fair for the campaign, Zach Parkinson  
20     handled research and comms?

21          A     Yes, sir.

22          Q     And also that Jason Miller in that period was also represented?

23          A     I think he was a necessary approver.

24          Q     Okay. So we have a necessary approval of Jason Miller and Zach  
25     Parkinson?

1 A Yes, sir.

2 Q And Tim Murtaugh was on the list, but not a necessary approval?

3 A That's my belief, yeah.

4 Q And for the RNC side on the comms, is that Mike Reed?

5 A I'm not certain, but pretty sure. He was the comms director.

6 Q Okay.

7 A I think it was him. They probably had a research person too. I also do  
8 not -- I think the RNC might have had a separate approval chain, which is RNC people that  
9 I was not on, if it did exist where they maybe did some of that approval in addition.

10 Q Okay.

11 A I'm not certain on that.

12 Q And then there was also folks from legal from both the RNC and the  
13 campaign, right?

14 A That's correct.

15 Q And do you recall -- were those necessary approvals?

16 A Legal, yes.

17 Q Okay. And who was the necessary approval from the campaign, if you  
18 recall?

19 A Nathan Groth did, I would say, the majority of them. Cannon did some. I  
20 can't recall if Clark had to be an approval or not. I feel like towards the end, he was at it,  
21 you know, kind of like Bill's people, Bill Stepien's.

22 Q And when you say the end, you mean the end of the campaign?

23 A Sorry, yeah, getting towards Election Day.

24 Q Okay.

25 A But I'm not certain if he was a necessary.

1 Q And Nathan -- how do you spell the last name Groth?

2 A I think it's G-r-o-t-h. I'm pretty sure that's his last name.

3 Q So Nathan Groth was a consistent required approval?

4 A He was the most common.

5 Q And then Alex Cannon sometimes?

6 A Yeah.

7 Q And Jason Clark towards the end?

8 A Not certain, but, yes, I believe so.

9 Q Is it fair that Clark was there as -- in the campaign manager number two role  
10 and not as a lawyer? I mean, understanding that, like every good lawyer, you're always  
11 a lawyer. But did you understand him to be Stepien's representative there?

12 A He didn't work in the legal department, but I feel like he gave feedback in a  
13 legal sense in legal matters. Yeah.

14 Q I want to talk about any times where research, whether there was pushback,  
15 or what kind of things research weighed in on, right? Is it fair to say that research was  
16 more so focused on small, factual accuracies? And here is an example. If a copy said,  
17 Joe Biden did this in Pennsylvania, but it was actually Detroit, that research might say,  
18 Hey, guys, that's wrong. Is that fair?

19 A That's up their alley for sure.

20 Q And is it fair to say that research was not empowered to challenge -- well,  
21 was research empowered to challenge the organization's positions if research thought  
22 they were not factually accurate?

23 A I don't know the conversation between research and strategy, but I would  
24 doubt that. I would -- my understanding may be incorrect, but my understanding would  
25 be, you know, strategy, messaging of how we're going to approach X topic and why, and,

1       you know, that's not the job necessarily of research.   This is a note of that.

2               Q     So, for example, with an email that we looked at said the Democrats are  
3       trying to steal the election, and that's the organization's position, is it fair to say that Zach  
4       Parkinson is not empowered to weigh in on the truth of that statement?

5               A     I don't believe he would be.   And I believe any discussions about that  
6       statement would have probably already have happened before the email is sent for  
7       approval.

8               Q     Do you recall any discussions about not using the word "rigged," or pushback  
9       against using the word rigged?

10              A     No.

11              Q     Do you recall any discussions about saying -- about framing the election  
12       being stolen as a question versus a declarative statement?

13              A     No.

14              Q     And you don't recall any discussions about trying to steal versus a more  
15       definitive like "will steal" or "stolen"?

16              A     I don't recall any of those that I was involved in, no.

17              Q     Do you recall any discussions from the research or the comms side, from the  
18       RNC or the campaign, about any post-election messaging?

19              A     I mean, I'm sure there was potentially -- no, there is probably some  
20       conversations, but I don't recall any conversations.

21              Q     With research, do you recall the use of research post election for any issues?  
22       Did you ever use them or rely on them for anything as digital director?

23              A     Me personally?

24              Q     In your capacity as digital director, did you ever ask research to weigh in on  
25       anything?

1 A In post election?

2 Q Post election?

3 A Like I would go to them and say what do you think about X?

4 Q Yeah, on any issue.

5 A I don't think so.

6 Q Are you aware, or were you included of any discussions post election where  
7 research weighed in on substantive issues?

8 A I don't remember. I mean, because I think -- that happened in that  
9 approval chain where I wasn't, you know, living in it.

10 Q So when you got the approval emails, would you just ignore them until  
11 someone, specifically, said Gary, read them or how did that work?

12 A I don't like the little red circle, you know, going up too big on my  
13 notifications on my apps. And so for those I just check, check, check, and mark as red.  
14 I slide them into and just do mark as red --

15 Q Okay.

16 A -- rather than going to open each. And then the team told me they needed  
17 me to help on one and they would tell me.

18 Q So you would be focused to not read them until specifically asked to weigh  
19 in?

20 A That's correct.

21 Q Okay. I want to move to exhibit 4. And you see this is an email that went  
22 out on November 5th, which I believe at 2:41, regarding Pennsylvania. And it says,  
23 Breaking, President Trump wins Pennsylvania.

24 Mr. Nassikas. What day is this now again?

25 BY [REDACTED]:



1 Q November 5th. And it says -- now, that do you recall any conversations  
2 about attempts to preempt the media call with Pennsylvania?

3 A I don't recall specific conversations. We talked about this last Wednesday,  
4 and that kind of rejogged my memory on that event.

5 Q Tell me what you remember about that event.

6 A I don't remember Pennsylvania specifically. I only know that State. Just  
7 based on our conversations last Wednesday, I believe that's the State and, obviously, you  
8 know, it says it right here. So I fully believe it. And I believe the mindset was  
9 someone -- I don't know whom -- became informed that the -- whoever called elections  
10 was going to maybe -- I think the media was going to say Biden won Pennsylvania because  
11 that State was still not called. And people in the campaign felt that they had an  
12 adequate or narrative or numbers that said, No, Trump won Pennsylvania. That's  
13 incorrect. And they felt it was necessary to lead on -- be out first rather than after it  
14 gets called for Biden.

15 Q And who were those people in the campaign?

16 A I think Miller was probably driving on that. I believe Miller. I am not  
17 certain of the actual -- you know, I'm not certain, but I believe it's Miller. I feel they  
18 probably would have tapped the data team and asked them numbers-wise.

19 Q Is that the person that you referred to as Oz?

20 A Madaskowski.

21 Q Yeah.

22 A Good luck.

23 Q Oh.

24 A Yeah, Oz.

25 Q O-z, and he is with the head of data team.

1           A     RNC at the data team. That was who -- he didn't get involved until pretty  
2 late, but he worked -- he did the Election Day map in terms of tracking, results coming in  
3 at the White House, and would be someone that senior leadership would ask about the  
4 results and what numbers are looking like throughout that post-election period is my  
5 understanding.

6           Q     Who else was involved? You mentioned Jason Miller.

7           A     I am sure all the senior people probably were, Miller, Stepien. Who else?  
8 I believe there was a meeting where they laid out this plan and sent everyone out to go  
9 do their part of deploying the message or deploying this information. I don't remember  
10 who was in that meeting.

11          Q     And are you saying that the idea was they wanted to beat the media  
12 because they felt the media would get it wrong?

13          A     They felt that they had information that showed Donald Trump won  
14 Pennsylvania or would eventually be called the winner of Pennsylvania. And if they  
15 released that information after it was called, after it was called for Biden, that would not  
16 be taken, I think, as seriously or viewed as, you know, in the same way.

17          Q     Well, what would be the reason of worrying about that? If President  
18 Trump had, in fact, won Pennsylvania, Pennsylvania would -- he would have eventually  
19 have won Pennsylvania, right? So why preempt the call? Why say it when no one else  
20 had said it?

21          A     There is no discussion of the why, so I don't know for certain. I mean, I can  
22 speculate, but I don't know why they felt that it was critical to do.

23          Q     You see in the third paragraph, the second sentence says, "He needs John  
24 from Pennsylvania to step up and contribute to our critical Election Defense Fund so that  
25 we can secure 4 more years." Now, we're going to talk about Election Defense Fund,

1 but is it fair to say that there was an expectation that President Trump supporters would  
2 donate money if they thought he still had a chance to win?

3 A Ask me that again, sorry.

4 Q Is it fair to say that if President Trump's supporters believed he could still win  
5 the election, they would be more inclined to donate money in response to an email?

6 A Yes.

7 Q So is it possible that an email saying President Trump won the State would  
8 help likely make people donate funds to team TMAGAC?

9 A I don't believe that was the motivation at all. Yeah, it's possible. But I  
10 don't think people like Miller were concerned about fundraising. I think their goal was  
11 to win the election.

12 Q Well, the Digital Team, though, was it fair to say the Digital Team was part of  
13 the messaging apparatus for taking comms messaging and delivering it to millions of  
14 people, right?

15 A Yeah, but we're not like saying, Hey, let's go say we won Pennsylvania. We  
16 wouldn't come up with that.

17 Q Understood. What I'm asking is that -- well, you said you don't think Jason  
18 Miller would have done it for that reason. Why do you think he would have done it?

19 A I don't understand why you would care about the fundraising.

20 Q Well, let me ask you this, why would the senior campaign staff you are  
21 talking about have wanted to preempt the media and make this claim at this time?

22 A I don't know the reason. I can make a guess, but I don't know.

23 Q Well, if you can make an educated guess based on your knowledge of their  
24 roles, what would that be?

25 A I think a process of challenging an election. I believe -- what was the date

1 on this?

2 Q November 5th.

3 A So Biden had not been declared yet the winner. And I believe, you know,  
4 the process of challenging election requires several people not inside the campaign to do  
5 things, whether to prove things or, you know, whatever the legal process is, you know, in  
6 courts and States. And so there probably is -- this is my assumption -- there probably is  
7 value on a media narrative in what people are hearing in those local geos, because they  
8 may be more or less willing because of that. The, you know, approve or deny, I don't  
9 know what the process is for challenging things. That's my guess of what they would be  
10 more concerned with.

11 Q So you're saying, for example, if President Trump declared that he won  
12 Pennsylvania, but then was later declared to have lost Pennsylvania, the fact that he had  
13 declared it before might provide more fertile ground to challenge that result?

14 A I don't know, but potentially.

15 Q Do you recall any discussions that had anything to do with this with either  
16 Miller or Clark or Stepien, anyone weighing in on when this discussion was happening  
17 about the potential for challenging the result later on?

18 A I don't remember the why. I don't know if they discussed the why. But I  
19 felt, I think, you -- I believe what their thinking was the numbers were in favor, in good  
20 shape for Trump. Or I don't know how to frame it. And so it was a good place to like  
21 say, Hey, let's focus on this one.

22 Q And when you say --

23 A Sorry to cut you off.

24 Q No, go ahead.

25 A There are several States obviously. And I gained experience in this part,

1 you know, of the political process. But with anything, if you have many things, many  
2 paths, you must choose one and put more time and attention on it. And I -- my  
3 assumption, but I don't think they said it was that, like they feel good about this State,  
4 let's focus on this State. Because, again, assuming, you know, guessing here. But, you  
5 know, if you get one State to change, that's progress, momentum, and I would argue that  
6 probably increases the chances of a second State potential change.

7

BY [REDACTED]

8

Q After the election?

9

A Yeah, if you're challenging an election and you're saying results are incorrect.

10

And so if one State were to change and say, Oh, it's this -- so I am saying, if you're going

11

through a process where you believe you can change it, you are going to get States to

12

change their results. Your first step would be to get one State to change the results,

13

right?

14

BY [REDACTED]

15

Q Is it fair because it would help your momentum to challenge the results?

16

A I think you got to pick a State to start with. You got to focus on the State.

17

I think that's -- yeah, you got to -- you can't change four States until you change one.

18

Q And with this being November 5th, is it fair to say that Pennsylvania was the

19

first State picked?

20

A I don't recall. I think this is -- I feel like this is the only time they did this,

21

approach.

22

Q Can you tell me what you recall?

23

A I don't know.

24

Q Do you remember a conversations when senior folks had talked about

25

getting this message out. That -- was that, included in that conversation, was that

1 discussion about challenging election results?

2 A I don't know.

3 Q Would you have been the one to have sent this down to Austin's team?

4 A They would have -- you know, when they called digital, they're calling Gary.  
5 I don't think they knew who Austin was. So I would have been in the -- if there was a -- I  
6 believe if there was a meeting, I would have been the digital person. Sometimes I would  
7 bring some people with me. I don't think I did. And I was there -- digital wants you to  
8 get this message out, that doesn't mean fundraising -- they probably assumed it's part of  
9 it, you know, but I don't think that was their focus. And then I imagined, I believe, after  
10 that meeting, someone writing something that isn't in digital, explaining or memo or  
11 whatever. Like, you know, Bill Stepien said this is not like -- the digital copy writing team  
12 didn't write according to Bill Stepien. You know, that came from a different  
13 department. And that would be provided to probably me, and then I would forward  
14 that on to the Digital Team.

15 BY [REDACTED]:

16 Q A minute ago, I want to grab on to something that you just said because it  
17 sounded like you said, they would have -- they would have been reaching out to digital,  
18 but fundraising wouldn't have been their focus. And in the email that we were just  
19 looking at, I thought it was exhibit 4, maybe I -- this is 4? And you see at the end of the  
20 paragraph right there. Do you see where it says, "President Trump is calling on you to  
21 ensure we have the resources to finish the fight. He needs John from Pennsylvania to  
22 step up and contribute to our critical Election Defense Fund, so that we can secure 4  
23 more years." Wasn't the goal at that time to actually try to secure 4 more years? This  
24 is November 5th, I believe?

25 A Yeah. The election was undecided at that time, and the organization's

1 objective was to be declared the winner.

2 Q Right. Right. So going back a moment, when you're getting messages  
3 from Jason Miller about strategy or comms or executive leadership and having all these  
4 conversations, what is the single biggest goal that they are actually focused on at this  
5 time?

6 A Win the election.

7 Q Right. Like to try to secure four for years, right?

8 A Yeah, to win the election.

9 Q Okay. So your grabbing stuff from what they're saying for fundraising, but  
10 it's a byproduct of the fact that everybody's focus is on fighting to get 4 more years, right?

11 A Yes. The organization's primary goal is to be declared the winner and to  
12 win the re-election. For Trump to win re-election.

13 Q And when you're sitting in these meetings, what are the conversations that  
14 folks are having in terms of communications strategies, if you remember?

15 A I don't believe I was in most of those meetings or anybody. Maybe a  
16 couple. I remember a meeting, you know, the high level that they call about the  
17 Pennsylvania, you know, approach, but I wasn't in like strategy meetings or the comms  
18 meetings.

19 Q How is everything kind of getting fed to digital then, to be pushed out  
20 digitally?

21 A Often they see it in public.

22 Q No, no, I mean mechanically. If you are not at the meetings, and you are  
23 not like in on this, what is the mechanical process for Jason Miller getting a text out to the  
24 public, to you, or to your team?

25 A There is a group in comms that would work with folks in digital. I don't

1 know the exact, but you know, the comms people would craft the copy, whatever they  
2 are saying, a press release whatever. Comms people actually had, I'm pretty certain,  
3 their own access to an email system that I think was under, like, part of a strategy world  
4 where they could deploy their press releases. I don't think they have to send them to  
5 digital.

6 Q Okay.

7 A I'm pretty sure they did their own.

8 Q But text yes, because of you and Opn Sesame.

9 A No, they wouldn't have used Opn Sesame. They would have used Tatango  
10 for that short period of time.

11 Q Ah, okay. But you still controlled that process?

12 A It lived in the digital world, but I don't know who they worked with. They  
13 might have had their own access. Because there is a separate short code. I forget  
14 what it was. It was 88044, I am pretty sure, that we got that was for like the surrogates  
15 and comms and people to get like updates. That was something we added later in the  
16 campaign.

17 Q Okay. I think we might be coming to that. So I am going to hold off here.

18 BY [REDACTED]:

19 Q Just to clarify, is it fair to say that Jason Miller who works at senior campaign  
20 leadership looked at the fundraising emails as another avenue of messaging at this time?

21 A Yeah, I think they viewed that as helping to get the message out, especially,  
22 you know, that's the base, right?

23 Q Yeah.

24 A So you are going toward your base. I would agree with that. Can I have a  
25 little restroom break?



1 Q Sure. Let's go off the record.

2 [Discussion off the record.]

3 BY [REDACTED]:

4 Q So, Mr. Coby, just to frame with our timing, we just talked about an email on  
5 November 5th, and it had the election -- this is exhibit 4. And you see there it has -- it  
6 talks about an Election Defense Fund. Is it fair to say that Election Defense Fund was  
7 another, I think, we have called it a marketing tactic?

8 A Yes.

9 Q And tell us about these funds' marketing tactics?

10 A Just a topic matter where money could potentially go to be -- how money  
11 could potentially be used.

12 Q Is it fair to say that when the term Election Defense Fund is used, it's not  
13 meant, necessarily, to say that this money is going to a particular partition account, but is  
14 more so an idea for the user to buy into?

15 A Yeah, I mean it's like a legally partitioned fund.

16 Q And is this something that's been used -- these funds are used a lot, right?  
17 Is that fair?

18 A I believe so.

19 Q Okay.

20 A Yes, that's fair.

21 Q Now, so we have November 5th, which I believe would have been a  
22 Thursday on Election Day, election week, excuse me. Then we have the 6th as a Friday.  
23 And then the 7th, President Biden is declared President-elect. Is that your recollection  
24 as well?

25 A Yeah, I mean, I don't recall.

1 Q Does that sound about right?

2 A Yes.

3 Q Okay. What impact did the -- if any, did the fact that President Biden was  
4 declared the winner of the election have on the substance of Digital Team's fundraising?

5 A I don't think it changed anything.

6 Q Now, from your personal view, when President Biden is declared president,  
7 did your view shift personally as to whether or not it was more likely or less likely that  
8 President Trump would have a second term?

9 A I don't think I spent much time thinking about that at the time. So you kind  
10 of asked me what I thought, I might have thought, if I had thought about it.

11 Q Well, let me ask you this, around that time the campaign is starting to let  
12 people go, correct?

13 A I don't think that early. But from Election Day to, I believe, in December,  
14 there is two points where they like lowered staff, cut some staff.

15 Q And when do you recall those points to be?

16 A I don't recall, but I think one probably in November, one in December.

17 Q Okay. Is it fair to --

18 A I might be wrong on that.

19 Q Is it fair to say that -- would you have any reason not to believe that the  
20 week after -- by that Saturday, people were turning in their laptops and leaving the  
21 campaign, starting to leave the campaign. Is that --

22 A It sounds very logical.

23 Q Okay. You mentioned, previously, that as the days went further from  
24 Election Day, you became -- your expectation of a second term diminished. Is that fair?

25 A I believe what I said was, you know, each day away from Election Day makes

1 it, in my opinion, you know, this is me currently, you are looking back, more difficult to  
2 change the result.

3 Q Now, but you said looking back, but did you not draw conclusions in real  
4 time?

5 A I don't think I -- I don't think I was thinking much about that.

6 Q But you were in meetings where the entire campaign apparatus was thinking  
7 about only 4 more years or not, correct?

8 A I don't know if I was in many of those meetings.

9 Q Well, I think you said --

10 A I was in more than one.

11 Q Yeah.

12 A But I wasn't like in a constant State of meetings.

13 Q But is it fair to say that the fight here is about -- quote, "So that we can  
14 secure four more years," end quote, that that's what everyone is focused on?

15 A The organization is still focused on that objective. That is correct.

16 Q Right. And you're working for the organization, correct?

17 A Yeah. We're working for the campaign.

18 Q Yeah. And that's -- so what I am asking is that, at that time, would you not  
19 have drawn some of your own conclusions as to whether the organization was  
20 becoming -- was more likely to reach its goal or less likely?

21 A I mean I'm -- it wasn't something where, like, I really had sat and pondered  
22 it. I am -- naturally, I'm sure I had some thoughts, you know, whether -- but it wasn't  
23 like a significant thing to think about. You know, work on a campaign, you know, your  
24 personal opinions are not something I feel you should be injecting. And so, you know,  
25 me like trying to come to a conclusion of how I personally felt was not a priority.

1 Q Do you recall President Biden being declared President-Elect?

2 A I mean, I don't remember the visual. But, yeah, I mean, he became --

3 Q I don't mean, but at that time, like, was it -- was it a noteworthy thing that  
4 after these days of these meetings --

5 A It was kind of drawn out. You know, I don't know. It normally doesn't  
6 take 5 days, for whatever amount of days it was for someone to be declared a winner of  
7 an election.

8 Q So the election was on a Tuesday, and I think my recollection is that he was  
9 declared President-Elect Saturday.

10 A Five days.

11 Q Yeah. So it might make it even more noteworthy because it had been 5  
12 days since the election night rather than less noteworthy. Is that fair?

13 A I don't know if it would make it probably less noteworthy.

14 Q But I'm asking your perception.

15 A Yeah, I don't know. I didn't like -- I didn't think about it as -- obviously, it's  
16 a -- it's, you know, it being called for him is -- has significance.

1

2 [1:26 p.m.]

3 BY [REDACTED]:

4 Q It's a big deal, no?

5 A Yeah, I mean, it being called for him has significance, yes.

6 Q Okay. So do you recall the election being called for President Biden?

7 A Yeah, I remember that he was declared the winner.

8 Q Okay. And --

9 A Go ahead.

10 Q No, sorry. Do you have something else?

11 A No, I don't.

12 Q Okay. And did that have any impact on your work for the campaign as  
13 digital director?

14 A No.

15 Q And that had no impact on the substance of fundraising either, right?

16 A Not that I recall.

17 Q Okay. And we're going to go to exhibit 5, which is an email from  
18 November 13th. So -- and if you see there, it says, John, the election is not over.  
19 Georgia is headed for a recount where we are confident we will find ballots and properly  
20 harvest and where President Trump will ultimately prevail. We cannot allow the  
21 Democrats to try to steal this election from the American people. There are numerous  
22 examples of fraud coming to light that will be critical to upcoming recounts.

23 And then later on --

24 Mr. Nassikas. Wait, can you just pull it up first so we can see it?

25 [REDACTED] Oh, I'm sorry.

1           Mr. Nassikas. Thanks. You've got better eyesight than I do.

2           Mr. Hibey. You can't read that, [REDACTED]?

3           Mr. Nassikas. Yeah. Okay. Sorry.

4                   BY [REDACTED]

5           Q    Okay.

6           A    Yeah.

7           Q    Okay. Now, in the fourth paragraph it indicates that there's an official  
8 Georgia recount fund. Is that fair to say, that's another one of those marketing tactics  
9 we talked about?

10          A    Yeah, I believe so.

11          Q    Now, this is now November 13th. The election is now 10 days out. Were  
12 there any discussions about the -- when these emails went out, were there any broader  
13 senior-level discussions about the broader circumstance of the campaign -- or they -- well,  
14 now the post election, the post campaign world, meaning that, you know, we're now  
15 10 days out from the campaign. The election was called on the 7th. It's now the 13th.  
16 This email is going out. The election is not over. Take us to like what discussions you  
17 had with senior leadership about these issues.

18          A    I don't remember any significant -- I don't remember any discussions about  
19 that. I think it would've been clear to the whole team that, you know, the organizations  
20 still felt, you know, there were legal and political recourse to challenge in the election and  
21 was proceeding, and so, you know, I don't think there was any like discussions on that.

22          Q    And at this time were you personally aware of any efforts, any coordinated  
23 efforts by Democrats to steal the election, try to steal the election?

24          A    That was not something I focused on. I wasn't in a fact-finding mission or,  
25 you know, aggregating that information.

1 Q Did it -- as digital director, did it matter to you whether those claims were  
2 actually true?

3 A It -- you know, my job was to, you know, the campaign felt they had  
4 information that they could bring to light to prove these things, and they felt that was the  
5 case. It was our job to then go communicate that position, and that's what mattered.

6 Q Did your personal views by the 13th -- what were your personal views about  
7 the state of the election by the 13th?

8 A I don't recall. You know, I didn't try to formulate, you know, how do I feel  
9 about it. But as I previously said, you know, I imagine each day we're further from  
10 Election Day and further -- you know, further from Election Day, I'd probably have less  
11 personal hope that something would change.

12 Q And for the fundraising appeals, is it fair to say it was critical for fundraising  
13 for the recipient to believe the election wasn't over for effective fundraising?

14 A Yeah, I think if you sent an appeal that said the election is over, please  
15 donate, that would probably do worse.

16 Q Yeah. Did you have any discussions about whether fundraising should be  
17 stopped at this point?

18 A I don't recall any, no, sir.

19 Q You mentioned that there were -- that there would've been a decision, a  
20 definitive directive to continue fundraising post election, correct?

21 A Yes.

22 Q Was there any discussions as to revisiting that as to whether that was still  
23 standing or should be revisited at any point?

24 A I feel like there likely was, but I don't remember specific ones. You know,  
25 just -- I don't know. I feel like there maybe was just in kind of the casual conversations,

1 but I don't think there would've been like a big like check-in, because it was clear the  
2 organization was still proceeding as it was previously in those early days post election.

3

BY [REDACTED]

4 Q In the -- at the bottom of the email it says, this is the most critical moment in  
5 our Nation's history. Will you fight to protect our republic? If you can read it on that  
6 page, God love you, but like what -- do you remember having conversations either with  
7 communications or strategy talking about when the fight to protect our republic or the  
8 fight narrative starts coming up? We see that a lot and I was just curious.

9 A Pretty certain that the word "fight" was probably utilized throughout the  
10 election pre-Election Day.

11 Q Okay. You think it was a consistent theme that was always there?

12 A Yeah, I think it's consistent on the left and the right for people to use that  
13 word --

14 Q Okay.

15 A -- because, you know, that's politics. You're fighting for people's rights.  
16 You're fighting for this and that. I think it's a common word used everywhere, left and  
17 right and pre-election and post-election.

18 Q Let's go to the next email, which is exhibit 6, and this is now another week  
19 later on November 20th. Now, we'll start at the third paragraph, where it says, for years  
20 the Democrats have been practicing how unsafe and rigged our elections have been.  
21 Now they're saying what a wonderful job the Trump administration did in making the  
22 twenty -- making 2020 the most secure election ever, which is true, except for what the  
23 left did. They rigged the election.

24 Again, this is now 7 days later. We're now even further from the election. Did  
25 the conversations regarding continuing fundraising shift at all at any point in November as



1 to the substance of these emails, any discussions about whether to continue this  
2 messaging?

3 A I don't recall any discussions on it.

4 Q Is it fair to say that the fundraising kind of apparatus was -- was there  
5 continuing kind of on a type of automated mode in a way, or were you constantly  
6 checking in on this? Like tell us, like how did this work?

7 A I think it was operating the same way it did pre-Election Day --

8 Q Yeah.

9 A -- where the teams that were executing on their tasks in relation to it within  
10 the process was still continuing as it was pre-Election Day.

11 Q And is it fair to say that unless -- I'm sorry, go ahead.

12 A The only difference was we didn't have like goals, like we didn't have, you  
13 know, we want to raise X today or X this month. We didn't have any of that that was,  
14 you know, like -- I would say that really drove the team to raise more pre-election with  
15 those goals, and we didn't have that in the post-election time.

16 Q What was your understanding of the performance of the fundraising team  
17 post election, because media reports have framed it as extremely successful fundraising  
18 effort by the Trump campaign, or let's call it Trump campaign slash TMAGAC post  
19 election, and some numbers that the media has reported, \$207 million, I believe, raised in  
20 the first 3 weeks and 200 and -- over \$250 million raised by the -- until December 31st.  
21 What was your take on the performance of the fundraising team post election?

22 A Never done post-election fundraising, so I don't know what is, you know,  
23 typically success, because no one knows what you should raise. And typically success is,  
24 you know, kind of relative reasoning, and so it looks at, you know, historic benchmarks,  
25 what you could achieve previously. And I do not have that benchmark, you know, and

1 we raised significantly more than that throughout the election.

2 So, you know, I think they just did the process that they were doing preelection  
3 probably -- probably to a less optimized degree, probably there was less effort involved in  
4 the post election, in my opinion.

5 Q There was less effort by the copy writing team?

6 A By the team that was working on fundraising.

7 Q So if the reports are correct that the team raised over \$200 million in the  
8 first 3 weeks after the election, is there any other time period you recall in 3 weeks where  
9 the campaign raised over \$200 million?

10 A I don't like remember the numbers that well in that sense, but I think so,  
11 yeah. I imagine the last 3 weeks of the election, I would -- I'd be willing to wager that  
12 that was probably more than that number.

13 Q Over \$200 million?

14 A Yeah. I don't think that would -- I don't think that was the highest 3-week  
15 window of time for fundraising through the election.

16 Q Okay. Now, understanding there were not projections or expectations,  
17 were there discussions about that being a large amount of money that the campaign  
18 raised post election?

19 A Those first 3 days, such discussions was because they were the biggest we  
20 had.

21 Q Yeah.

22 A I think that was significant. But after, I don't believe so.

23 Q And are you saying there were no discussions or you're saying there was not  
24 a significant amount of money?

25 A Well, I mean, \$200 million is a significant amount of money --

1 Q Okay.

2 A -- relative to a multibillion dollar operation and an election that, you know, I  
3 believe there's like \$7 billion to \$10 billion or something spent on the 2020 election.

4 Q Yeah, but that \$7 billion to \$10 billion is not the campaign spending \$7  
5 billion to \$10 billion, right?

6 A Correct. But the digital team, I think we managed like \$1.8 billion in and  
7 out as a whole.

8 Q The question I'm asking though is that -- well, I mean, what I'm trying to  
9 break down in a more simple way is that, was this a lot of money? Like because the  
10 framing that --

11 A \$200 million is a lot of money --

12 Q Yeah.

13 A -- without a doubt.

14 Q And that's money that wasn't planned on, right?

15 A But is \$200 million a large number relative to like the government's military  
16 budget, then no. But, yeah, \$200 million is a lot of money, right.

17 Q Yeah.

18 A And that's what I'm just trying to convey, is that --

19 Q I appreciate that.

20 A -- the campaign apparatus was a big amount of money. So because, you  
21 know, I feel what you're saying or asking is, you know, \$200 million is a lot, like, where  
22 everyone is like, whoa, you know, like where people, you know -- that -- causing  
23 reactions.

24 And I guess what I'm saying is, \$200 million, of course, is a lot of money, but it was  
25 not abnormal compared to what that team was producing in the weeks and months prior.

1           Q    Well, what I'm getting at though is that whatever money the campaign had  
2    raised prior to the election, as you said, the goal would be ideally to end up with \$0 on  
3    Election Day, correct?

4           A    Yes, sir.

5           Q    And ideally President Trump would've won on Election Day if he had his way,  
6    correct?

7           A    That was the objective.

8           Q    Right. And so the -- the -- another \$250 million that comes out  
9    post-Election Day, that would've been another \$250 million that nobody was planning  
10   on?

11          A    That's correct.

12          Q    Right. So that would be a huge amount of money no matter what you  
13   compare it to. Is that fair?

14          A    \$250 million is a lot of money.

15          Q    Yeah. So what discussions did you have about the fundraising results post  
16   election with senior leadership? Did you talk to, for example, Jared Kushner about how  
17   much money was being raised post election?

18          A    Yeah, we gave updates. There was some -- preelection Dollman and Clark,  
19   we worked out a process where I was communicating, or I guess Dollman had the vision  
20   of what money was coming in. He had access to those numbers. But we would, I  
21   believe, meet and talk about those numbers.

22                Post election there was some chart made, I believe, by Dollman and I that went to  
23   Jared that was tracking those numbers, and more so, I think -- I don't know when it was  
24   first made, but I believe after Save America came into existence that it was tracking the  
25   dollars into the different organizations.

1 Q So are you saying this tracking happened pre-Save America or post-Save  
2 America or both?

3 A I don't know if it happened pre, but I know for certain post, because I think it  
4 was a difficulty because I don't think I -- I did not have the vision to see where the dollars  
5 went organization wise. I only saw how much we raised in aggregate. That was more  
6 of a compliance task of where the money was ending up. And so I believe it was  
7 a -- because I couldn't give Jared necessarily an update of, you know, the full picture, and  
8 so that's why Sean Dollman the counter teams need it.

9 Q And critical to those fundraising kind of efforts would've been that the  
10 election is outstanding, the results are unknown?

11 A That is the only thing that -- I think that -- I'm not certain, but I believe that  
12 was the only topic that was being discussed, and so that topic is not available then, you  
13 know. I don't -- well, I could think of other stuff, but, you know, in terms of just -- I don't  
14 know. I don't know. Should I speculate on that?

15 Q Well, let's talk about what actually happened.

16 A Okay.

17 Q You're saying that the issue that would -- that allowed the fundraising to  
18 continue is because it was framed election not being over?

19 A That was the primary thing and I believe the only thing that was being talked  
20 about to raise money at that time, yes. I guess, just what I'm saying there is -- well, no,  
21 I'm good.

22 Q Okay. And in this email there's a mention of organic rallies have been  
23 springing up all over the country in support of yours truly. Incredible. Do you  
24 remember discussions about or directives at rallies, the springing up of rallies should be  
25 mentioned in fundraising emails?

1 A No idea, no.

2 BY [REDACTED]:

3 Q Can we scroll down for one second towards the end there? Keep going.

4 Keep going. Here. The text WIN2020 to 88022, is that to -- and there's one for the  
5 official Trump campaign and then there's one for the RNC. Is that the opt-in to receive  
6 text messages?

7 A Yes, ma'am.

8 Q Okay. I just wanted to check. Was that -- that wasn't always at the  
9 bottom of emails, was it?

10 A I don't know about that keyword. The WIN2020 would be called a  
11 keyword. At some point we started just adding, earlier when we were off the record, I  
12 was like, oh, like I saw this and recalled.

13 It's like we were just kind of -- I remember there was a mindset of, you know, if a  
14 user is showing down there, we might as well just put a bunch of stuff that -- you know, if  
15 they really want to read down there, because we had legal disclaimers that had to be  
16 down there.

17 And so if the user is actually down there, let's try to get some more, you know,  
18 marketing stuff down there.

19 Q Yeah, okay.

20 A Because we've got their eyeballs. It's very hard to get someone's eyeballs.

21 Q Got it.

22 BY [REDACTED]:

23 Q Yeah. I'm going to turn to exhibit 7, which is a spreadsheet that you  
24 provided, that is Bates stamped GCoby1. And I just want to confirm what it is we're  
25 looking at here.

1 A What was the file name? Do you know?

2 [REDACTED] I think it was GCoby1.

3 BY [REDACTED]

4 Q As in the Bates stamp or --

5 A When we provide it, do we --

6 Q I think you provide it as GCoby1. There is a tab --

7 Mr. Nassikas. Ryan, is it under the binder?

8 BY [REDACTED]:

9 Q No, it's not a binder. At the bottom this says November to January  
10 fundraising send, if that helps you.

11 A Okay. I think this is -- could you just click on one of the cells so I can  
12 populate it? Thank you. And then could you scroll to the right, please. Actually, just  
13 go all the way up to the top so I can see the column headers.

14 This looks like our log of text messages that went out from Opn Sesame.

15 Q Okay. And when it says organization, does that mean the organization that  
16 it's going out under that name?

17 A Opn Sesame, yeah, it's what it should. I mean, it's who we're billing, so,  
18 yeah, it should.

19 Q Now, when you say who you're billing, you're billing AMMC, correct?

20 A Correct. It's probably -- I mean, DJTFP fundraising, I don't know if that's  
21 DJTFP or TMAGAC. I'm not certain. I didn't make the sheet, like I didn't fill that in.

22 BY [REDACTED]

23 Q I'm confused, because earlier I thought when I said Opn Sesame you  
24 corrected me and said Tatango?

25 A There's two different texting platforms: Opn Sesame, the company I own,

1 that does peer-to-peer texting; that 88022 short-code blast text, that's via Tatango.

2 Q Oh, okay. So the direct texting --

3 A The automated version.

4 Q -- the automated opt-in Tatango.

5 A Yes, ma'am.

6 Q Opn Sesame --

7 A Peer to peer.

8 Q -- these peer-to-peer?

9 A Yeah, but the copy is probably the same, but I don't have access to the  
10 downloaded Tatango one, so what we would have provided would've been the Opn  
11 Sesame ones.

12 Q Is it fair to assume that the copy of these from Opn Sesame -- that's not even  
13 a word -- Opn Sesame would be similar to what was used on Tatango?

14 A Yes, ma'am.

15 Q Okay. But they may be different dates, times, like it didn't necessarily  
16 match up?

17 A Correct.

18 Q Okay.

19 BY [REDACTED]

20 Q Is this copy here being produced -- the Opn Sesame copy is being produced  
21 by Austin's team as well or --

22 A Same exact process.

23 Q Okay. So this gives us kind of insight into what the texting from the  
24 campaign apparatus, what was going out?

25 A Yes, sir.



1 Q And when it says RNC digital in the organization, can you -- do you know the  
2 difference between RNC versus DJTFP fundraising?

3 A That likely should've been, if it's labeled correctly, money -- RNC, the  
4 organization, solely was doing that send. The money was going solely to the RNC not to  
5 TMAGAC or DJTFP.

6 Q So if it's going to TMAGAC, what should we be seeing here, because I don't  
7 think we have it --

8 A You don't got any TMAGAC?

9 Q I think it's only -- if I'm not mistaken, it's just those two, so -- but we can  
10 scroll down. Do you have a sense -- oh, there we go.

11 A TMAGAC.

12 Q Okay. All right. So then that kind of tells us the story.

13 A Yes, sir.

14 Q I see how happy you look.

15 A Because I was like, you know, I don't know. And then there's also I think a  
16 political -- maybe these are just the fundraising ones, but there was also political text.

17 Q Okay. Same with the emails, did you review -- was there conversation  
18 regarding the subject matter of texting? Did that happen in a different -- did it happen  
19 the same way it did with email, and by that I mean, did you understand the source of the  
20 copy to be the same, President Trump's words, comms, press releases, things of that  
21 nature?

22 A Yeah, nothing unique on text in terms of all of the process. We viewed  
23 email as more the clearinghouse, because it's longer, and the mindset of the team was  
24 you get a whole lot of text approved via email, and then, you know, use that, then form  
25 your decision of building a landing page or an ad placement or a text. But text went

1 through, you know, they still went through approval process also, but emails, you know,  
2 the bulk of where we'd get stuff approved.

3 Q And what was the performance like? Was one more the golden goose  
4 texting versus emails?

5 A Yeah. Email has always been the king in political fund -- digital fundraising,  
6 but text is coming on strong. And I think they got to maybe even comparable in terms  
7 of the channels, in terms of gross dollars, but email is very cheap in terms of deployment  
8 cost. And so I think net dollars email has still got a pretty good lead.

9 Q Okay. I want to talk about the allocation of the proceeds from TMAGAC.  
10 Preelection, is it fair to say that the TMAGAC allocation went to a portion to the RNC and  
11 a portion to the campaign?

12 A Yes, sir.

13 Q And were you involved with negotiations between the RNC and the  
14 campaign as to what the allocation splits would be?

15 A Yes, sir.

16 Q When did you begin to be involved in those discussions?

17 A The closing months, but I don't know a specific date.

18 Q By closing months you mean a few months before Election Day?

19 A Yes, sir.

20 Q Okay. And how many meetings do you think you had regarding allocation  
21 splits pre-Election Day?

22 A Formal meetings, maybe a handful, but, you know, I would call Richard then  
23 call Clark. Justin Clark is typically who I'd be working with or Dollman. So it wouldn't  
24 be formal meetings. It would just -- in terms of me playing kind of a middleman  
25 mediation role of trying to get that deal figured out, it would just be kind of informal.

1           Q    Okay.  And why were you brought in to handle -- to play the role you  
2   played?

3           A    I don't know.  I had -- I -- you know, I had -- I have had/have good trust on  
4   both sides.  You know, I was an RNC employee through all of '16, but, you know, gotten  
5   close with folks on the Trump side and with Jared.  And so I think I've -- I'm a party that's  
6   generally pretty trusted and respected by both and that I'll, you know, act in good faith,  
7   and I'm not like -- I'm trying to like put in favor of one or the other.

8           Q    In this time period we're talking about leading up to the Election Day, how  
9   many different negotiations for a different allocation split happened?

10          A    I don't remember the exact number.  I feel it was probably like two or three  
11   leading up to Election Day.  I mean, so the JFC existed since 2017 or -- but we're talking  
12   more in that like the last several months of the campaign.  I feel like there's maybe two  
13   or three.

14          Q    And the RNC was represented by Richard Walters in these discussions?

15          A    Yes.

16          Q    And Justin Clark represented the campaign?

17          A    I mean, there was bigger meetings that maybe Ron -- there was meetings  
18   where I believe Ronna was in them also at times, a meeting with Bill and Jared.  But in  
19   terms of me going back and forth trying to get like this A-OK'd by both sides, it's Richard  
20   and Clark.

21          Q    Walk us through what sticking points there were leading up to the campaign  
22   and the various, you know, potential time -- the times that these splits happened.

23          A    The campaign was trying to get more dollars into their accounts and they  
24   could buy, you know, more TV ads is, you know, my understanding.  And I believe the  
25   RNC felt they would spend the money in a smarter, better way, and therefore they want

1 it to be spent out of their organization.

2 Q Is that -- is that one instance of a disagreement that you helped with?

3 A I wasn't really playing a role of like figuring out why -- I mean, it was just  
4 each side wanted more of the split.

5 Q Yeah.

6 A And it was just trying to find a number that both would say okay to, and that  
7 was, you know, the push/pull.

8 Q Okay. So the TV ad buy, splits. Do you remember any other issues that  
9 were negotiated?

10 A I mean, I think there was tons of different just money matters, paying for  
11 things. I remember the campaign came up with a list of things that they felt legally  
12 could've been paid for by the RNC or maybe they were open bills, and so the campaign  
13 was constantly trying to find things that the RNC could or should pay for.

14 Q Do you remember a discussion about who should pay for like Election Day  
15 operations, anything like that being involved in --

16 A I think that traditionally RNC -- and I also think Brad had some big plan  
17 around that that maybe Bill didn't utilize or deploy on, but I'm not certain.

18 Q Do you recall that being a negotiation point in the allocation discussions?

19 A No, I don't.

20 Q Okay.

21 A I didn't pay -- I wasn't much of a -- I don't know what the -- like whatever  
22 your list is, like let's go, like it didn't impact me what the split was in any way. The team  
23 just had to like change the text at the bottom where the lawyers said to.

24 Q Yeah.

25 A It was just like getting it done so, you know, the machines could progress.

1 Q But what about post election, were you involved in discussions as well?

2 A Yes, I believe so.

3 Q Okay. So I think, if I remember correct, Save America PAC, my recollection,  
4 it gets formed around, I think, November 9th. Does that sound right about to you?

5 A I don't remember the date, but, yeah.

6 Q Do you recall Save America PAC being President Trump's leadership PAC?

7 A Yes.

8 Q And do you remember that it was formed post election?

9 A Yes.

10 Q And does a week out from election sound about right?

11 A Yes.

12 Q And were you involved in discussions as to Save America PAC becoming a  
13 beneficiary of the TMAGAC proceeds?

14 A Yes, sir.

15 Q And what was the nature of those conversations?

16 A The plan was to make it -- basically the split is X, whatever it was at that  
17 time, between RNC and DJTFF, and insert Save America as another party on the DJT side  
18 of the split. And, you know, it would waterfall to where a user's donation would initially  
19 go to Save America, and, you know, I think it would hit its legal limit at Save America, then  
20 it would waterfall down to DJTFF.

21 Q And was there conflict as to what the split would be, the amounts?

22 A Between the two parties?

23 Q Between the Trump side and the RNC side.

24 A It was common thing of debating that. I don't remember -- well, yeah, that  
25 was another time where, you know, we had to like get to an agreement, same as

1 previous -- in preelection.

2 Q Now, but post election, the election is over, so you don't have the same  
3 necessarily discussion of cost, so what is the split over, the discussions?

4 A Split of money.

5 Q So how is it resolved?

6 A Just literally just trying to like feel them out of which number -- I don't -- the  
7 two sides have a number in their head that they think is fair. Why they think that's fair, I  
8 do not know. And my objective was to find what is that number, find what is the  
9 number that is very close to where they both say, oh, okay.

10 Q Now, are you -- is your role as digital director, is that also why you're  
11 involved in these conversations because the money that's being discussed is the proceeds  
12 of your team's work?

13 A I don't think that's why I was involved, no.

14 Q Okay. What were the reasons by which each side made their argument for  
15 why the money being raised by TMAGAC post election was owed to them?

16 A I don't know, and I don't know that there were like real good or legitimate  
17 reasons.

18 Q Do you not recall any of the reasons that each side preferred?

19 A Immediately after the election I believe it was, you know, there's a big split  
20 towards the RNC because, you know, preelection there was a push to get more money  
21 into DJTFP, and I think because of that there's a big split to RNC side.

22 Q And then what happened later on?

23 A Then it got, I think, more even, like 50/50 or into DJT side's favor, like maybe  
24 a 70/30. I don't remember. I don't remember what the number was.

25 Q And why would it shift to the Trump side more?

1           A    I imagine the Trump side would argue, you know, it's Trump that's raising  
2   the money.   The people are giving to Donald Trump more than they're giving to the RNC  
3   in terms of the inferred objective of the user.

4           BY [REDACTED]:

5           Q    Because what are they fundraising off of at that point?

6           A    Who?

7           Q    At that point in time, post election, what are all the fundraising emails  
8   raising money off of to all these people?   It's not go RNC, right?

9           A    It never was.

10          Q    Right.   So it's a stolen election for President Trump, so isn't the -- I mean,  
11   wouldn't they have a really strong argument, like at this point post election it's all  
12   pro-Trump, right, the donations?

13          A    Yeah.   I would say that's kind of always the case, you know.   You know,  
14   users don't give to national parties like they'll give to a candidate, you know.   You know,  
15   a faceless, nameless organization is not going to be as good a marketing efficiency as, you  
16   know, the President or any candidate.

17          Q    Do you know why after the creation of Save America, why is RNC still even  
18   getting any of this money?

19          A    I'm sure there's many reasons.   I don't know them.   But one would be  
20   that, you know, the infrastructure of deploying it, the email messages, was an  
21   RNC-owned team and staff and account and sales force.

22          Q    Can you unpack that and explain that a little bit.

23          A    The email team was all like Austin, the copywriters, that's all RNC staff.  
24   That infrastructure did not exist in DJTFP.   The sales force was -- the email system he  
25   used to deploy the messages, that was a contract negotiated and signed, I think -- it might

1 have eventually became TMAGAC, but it was done and all the technical setup was done  
2 by RNC and RNC vendors. And so there's a lot of marketing infrastructure to do this  
3 stuff that is not simple or quick to establish your setup, and that was all RNC controlled.

4 Q And am I remembering right that you even rented out the space or you  
5 rented it back to expand -- I'm not going to get this right, but there was some discussion  
6 about like you had space on the fifth floor and you rented it back so -- to RNC. Do you  
7 remember what I'm talking about?

8 A Yeah, my company was on the fifth floor. My company is just them signing  
9 to them. And when the 14th floor is running out of space, as the campaign grew, there  
10 was empty suites on the fifth floor. And I already had a contract with the building so I  
11 could easily add onto my contract and then rented that back, you know, without a profit  
12 or anything to either the RNC or DJTFP.

13 Q Well, but it would make sense what you're saying if it was RNC, because  
14 you're all -- like all of the -- like you're saying all of the infrastructure, everything being  
15 used to raise the money is RNC expenses, right?

16 A Yes.

17 Q And then the money comes in and it gets split. Go ahead, you were going  
18 to correct me.

19 A Well, they're TMAGAC expenses, you know, not the office space. And I  
20 think RNC would pay for that because the RNC can use what's called the building fund.  
21 There are some real, legitimate type funds that -- where donors can give large amounts of  
22 money that the DNC and the RNC have that they agreed to and got Congress to approve, I  
23 don't know, I think before my time, and one is a building fund where money that is used  
24 for rent or building or building infrastructure, you can use that money. And so it's just a  
25 smart thing to utilize.



1           Q    Do you know as a vendor the process by which, if the money comes in and  
2   it's the joint fundraising committee, my understanding, so correct this if I'm wrong, is  
3   there's a process by which expenses were taken out first and then what was left, that's  
4   what was split?

5           A    Yes.

6           Q    And so if the RNC was responsible for a lot of those expenses or if you were  
7   a vendor, Opn Sesame, the cost of those emails, the cost of certain things, that would be  
8   taken out, reimbursed, and then like the, quote, profit was what was split at the end?

9           A    Yeah, the net.

10          Q    Okay.

11          A    Yeah.

12          Q    But that understanding is correct?

13          A    Yes.

14          Q    Okay.

15          A    TMAGAC, they wouldn't -- the bills would -- for TMAGAC fundraising lived at  
16   TMAGAC, and those costs were paid, you know.   And, you know, when a split changes  
17   the team has -- not me, but like compliance folks, they've got to note like when that split  
18   changed, because they've got to like -- the money came in on these days, and so what are  
19   the expenses on these days.   Let's net out those days and then the split is X and Y, right.  
20   And then when we get to the new split, you've got to look at that as a separate window of  
21   time for, you know, what is the net in that window because that split in a new way.

22          Q    Do you know who the person is that's doing everything that you're saying  
23   right now for TMAGAC?

24          A    I think Dollman and maybe Jason Young.   He worked on the compliance  
25   company.   Also probably Josh was the CFO at the RNC.   I think he worked with Dollman

1 pretty closely on it.

2 Q Is this anything that Bradley Crate would've done?

3 A I don't think so.

4 Q Okay.

5 A He was kind of higher up at Red Curve maybe, but I didn't really see what he  
6 did besides he signed stuff, like sign contracts.

7 Q The people that you just identified other than the ones that we had already  
8 discussed, with they lower Red Curve?

9 A Jason Young was lower.

10 Q Jason, okay.

11 A He sat in the office with Dollman.

12 Q So he was the one from -- sorry, he was the one from Red Curve who did the  
13 work?

14 A He was the imbed.

15 Q Yeah. That's a nicer way to put it. I accept.

16 A Thank you.

17 [REDACTED] He's got the good look though, you know.

18 [REDACTED] That's what I'm going to start calling us, the imbeds.

19

BY [REDACTED]

20 Q Just to put a fine point on this point, is it fair that the reason the allocation to  
21 Save America goes higher up post election is because President Trump was seen as the  
22 reason why the fundraising remained effective post election?

23 A Yes, I think that's fair.

24 Q Okay. Now, I want to switch to -- we've talked about the -- we've  
25 previously spoken about updates to the White House that happened preelection.

1 [REDACTED] I'm so sorry. I did forget one thing. In terms -- you may have said  
2 this, and if so, I apologize, but in terms of who would've handled the negotiations on the  
3 RNC side, was it your understanding that that was Richard Walters?

4 Mr. Coby. Yes, ma'am.

5 [REDACTED] Okay.

6

BY [REDACTED]

7 Q We talked about updates you provided to President Trump preelection,  
8 right. You said there was one that happened around July 4th, perhaps another one  
9 where he came to headquarters. And the last time we talked about -- I asked about  
10 updates post election through the 6th, and then you talked -- you said that you had a  
11 conversation with President Trump on January 5th, correct?

12 A Yes, sir.

13 Q Tell us a bit about how you received the phone call, how that happened.

14 A Yeah. Recollection is that Dan Scavino called me, I think, from his cell  
15 phone, from Dan's cell phone and put the President on speakerphone. I don't know if  
16 others were in the room or not. I don't know where they were. And they were asking  
17 me about Twitter and social media platforms, asked me -- I don't know the cadence but in  
18 terms of the order, but they asked me about, you know, the President partnering with  
19 another, you know, existing platform. I'm not sure which ones are currently existing  
20 now that -- you know, the non, like, Twitter, Facebooks, about building his own, and, you  
21 know, what do you think is going to happen with Twitter.

22 I told him that I anticipate when he's not President they will remove him from  
23 Twitter, and he's probably, you know -- and they probably would have already removed  
24 him if he was not the President. And I think he kind of like asked me that again, like, you  
25 know, to restate that, and I said it again that that's what I felt.

1           Then they asked me about, you know, building a social media-type platform.

2           And, you know, I told them that, you know, sometimes you're like a digital person. They  
3           think you do the computers and everything, you know, it's just common, you know. If  
4           you work anything in digital, it's like you're a tech person, which, I mean, I am to a degree.  
5           But I'm not an engineer. I'm not a coder.

6           [REDACTED] You were not the IT guy?

7           Mr. Coby. No, ma'am. And so I just told him, I was like, listen, I understand like  
8           how like marketing works on social media, but I never -- you know, I don't have the  
9           expertise to build a social media platform. I'll tell you my opinion if you'd like. I'll tell  
10          you my thoughts, whatever. But I just want to make clear, like I'm not like the expert on  
11          that matter. And I believe that was it for the phone call.

12

BY [REDACTED]

13          Q Did anyone else -- I know you said you didn't know whether anyone was in  
14          the room. Is it fair that no one else spoke up? The only voices you heard was  
15          Mr. Scavino and President Trump?

16          A Yes, sir.

17          Q And when President Trump called you, I mean, when Scavino called you and  
18          put President Trump on the phone, I think when we spoke last week you mentioned that  
19          before you gave him your read on what would happen with Twitter there was something  
20          about if something were to happen like what would Twitter do. Do you recall that?

21          A Yeah. And you asked me a clarification on that at that time, and I was  
22          saying, you know, I think I said post him -- I said, either they'll remove you from Twitter  
23          like the day you're out of office or the next time they perceive you violated their terms.

24          Q Yeah. Who brought it up first that what if something -- like the idea of  
25          something else triggering potential removal?

1           A    I feel like they would -- they said, you know, what do you -- I don't know.   I  
2    feel like they would've said, do you think -- I don't think they would've said -- I don't think  
3    they would've said something else happening to trigger removal.   I think more like  
4    open-ended, like, you know, what do you think is going to happen with Twitter and his  
5    account.

6           And then I would've said, you're probably going get kicked off January 21st or  
7    whatever the day is that, you know, he's no longer President, and if not on that day, the  
8    very next time they perceive you as breaking their terms or abuse, they would kick you  
9    off.

10          Q    Did you all have -- so to the extent that you can unpack that, let's unpack  
11    that even more.   What was the President's response to the idea of, one, that they're  
12    going to kick me off the first day or they'll kick me off if I perceive to violate again?

13          A    I don't think he was surprised.   I think he accepted that answer as -- I don't  
14    think he had much of a response.   The first time he kind of -- I don't remember what he  
15    said, but it's something where it's like, you know, pressing me if like, oh, you really think  
16    or that or, you know, and then I said it again.

17          Q    And then what did he say when you said it again?

18          A    He said, okay, you know, nothing, you know.

19          Q    Like he was resigned to that?

20          A    I don't mind, just like no disagreement.   I don't remember a disagreement.

21          Q    So then you talked about this platform.   How long a conversation would  
22    you say this was you had?

23          A    I don't know.   You all might know.

24          ██████████ To the extent that you remember.

25          Mr. Coby.   Yeah, I'm sorry.   My bad.

1 [REDACTED] Yeah.

2 BY [REDACTED]

3 Q I'm trying to get a sense, right. There are calls that happen, and it's like  
4 someone says, I'm outside and there -- it's a real conversation.

5 A They always feel like they're longer, then they're not. You know, you like  
6 look at it, and it's like, oh, it was 2 minutes. It was probably like 2 minutes, 3 minutes,  
7 you know, if that.

8 Q The number you gave -- your number is [REDACTED]?

9 A Yes, sir.

10 Q Okay. Where were you on January 5th when you got this call?

11 A I was at home. [REDACTED]

12 Q Okay. And home then was where?

13 A Millersville, Maryland.

14 Q Okay. How far away is that?

15 A From D.C.?

16 Q Yeah.

17 A No rush hour --

18 Q Yeah.

19 A -- Capitol Hill, 35, 40.

20 Q Okay. Did -- as you were talking, did the President make any comments  
21 about anything happening in D.C.?

22 A No.

23 Q Okay. Did he talk about his -- did he talk about the election or his  
24 supporters or anything like that?

25 A I don't believe so, no.

1 [REDACTED] Last time -- oh, go ahead.

2 Mr. Coby. At the very beginning of the conversation it might have been like a  
3 generic check-in of like, you know, how are things looking or something, and I just went,  
4 oh, good, you know. I don't recall that. That's just like what was kind of common.

5

BY [REDACTED]

6 Q Last time we spoke, the vibe that I got or what I remember you saying was  
7 that the call kind of started off with, hey, do you think -- like if something happened, do  
8 you think they would really kick President Trump off of Twitter? Like do you think that's  
9 a real possibility?

10 A I don't remember that. What I believe I said was something about, you  
11 know, the next time, you know, I just said it in a very generic way, the next time  
12 something happens, you know, post, you know, you not being President, and you were  
13 like, well, what do you mean by something happens? And I said, next time he like  
14 violates the terms, not like some other thing.

15 Q My understanding, correct me if it's wrong, is that President Trump had, in  
16 fact, violated Twitter's terms of service numerous times and had not been kicked off the  
17 platform.

18 A According to Twitter, I believe they felt that he did.

19 Q And based on what you were saying earlier, it sounded like you were saying,  
20 if you weren't the President, you probably still wouldn't be on that platform?

21 A I believe I said that, like --

22 Q To him?

23 A Yes.

24 Q And you said you even like reconfirmed it to him or restated it to him?

25 A I don't know. I think I restated the other thing, that I think he would be

1 removed when he's not the President any longer.

2 Q So let's assume for a moment that whatever the number was, there were  
3 prior violations of terms of service that gave you the impression that once you were not  
4 President you might get kicked off of Twitter or like you may have even been more sure  
5 that you would get kicked off of Twitter?

6 A Yeah. I think they had deleted some of his tweets. Obviously, they put  
7 the like, you know, banners on it saying it's, you know, fact checked type stuff. So they  
8 had taken action against his account short of removing him, and I -- my personal just  
9 assumption is that because he's, you know, the President of the United States of America.

10 Q Prior to January 5th, prior to that call, had Mr. Trump ever contacted you  
11 and said, do you think this will get me kicked off of Twitter or do you think I'll really  
12 get -- had you ever had a conversation even remotely similar to that with Mr. Trump prior  
13 to January 5th?

14 A I don't think he's ever asked me, that call or others, if I do X, what will  
15 happen.

16 Q And had Scavino ever called you and said, if this happens, would it get -- you  
17 know, would it get the Trump Twitter account kicked off? Like have you ever had  
18 anything resembling that conversation with Mr. Scavino prior to January 5th?

19 A I don't believe so, no.

20 Q Was the content of the call surprising to you on January 5th?

21 A No. I mean, it was just a normal day. It was January 5th. You know, we  
22 didn't know January 6th yet.

23 Q No, no. Right now, right, we know that. But, I mean, on January 5th  
24 when you were getting the call, was it an -- did it strike you as an odd call to get?

25 A Yeah, I don't know why they were calling me about that at that time.



1 Q Other than the I'm digital and sometimes they think I'm the IT guy theory?

2 A Yes.

3 Q Okay.

4 A I mean, I don't know what the reasoning was. I don't know why they're  
5 like, let's call Gary about this.

6 Q Which, to be clear, I'm not saying that's not invalid. I have asked our IT guy  
7 some really random things that I now feel terrible about, so I was not disclaiming the  
8 validity of that theory.

9 A I'm glad to help in that evolution.

10 Q But at the same time, I distinctly got the impression from you that that was  
11 out of the ordinary even for some of the things they may have you previously.

12 A Yeah, I don't think I've ever talked to the President prior about him on these  
13 platforms, I don't think so. Maybe generically with Scavino, just like, oh, they're messing  
14 with us or whatever, but no.

15 BY [REDACTED]

16 Q How did the conversation end?

17 A I don't know. Goodbye. I don't know. I don't know. Just like, okay.  
18 Thank you. You know, I don't know.

19 [REDACTED] Good night and good luck.

20 Mr. Coby. Yeah.

21 BY [REDACTED]

22 Q Poetic ending. But so let's look -- I'm going to show you exhibit 8, which is  
23 your -- these are your phone records.

24 A Nice.

25 Q And you'll see that highlighted you can look at January 5th. And I'll tell you

1       that the time is UTC, so when you do the --

2           A     You've got an ET column.

3           Q     Oh, it does?

4           A     Yes, sir.

5           Q     Wait. Oh, no, the ET column is the -- wait.

6           A     Oh, estimated time maybe.

7           Q     Yeah, yeah, yeah.

8       [REDACTED] I think that's the duration.

9           BY [REDACTED]

10          Q     Yes, that's duration. I wish it were that easy.

11          A     What's the mathematics on it?

12          Q     The mathematics --

13       [REDACTED] Minus five.

14          BY [REDACTED]

15          Q     Minus -- so this time here, we believe, is 5:55 p.m.

16          A     Understood.

17          Q     Does that sound about the time you would have received this call?

18          A     I don't know, but it wasn't in the morning, and I remember that.

19          Q     Okay. And then here the records show that -- so the call has the

20       origin -- originating number, the [REDACTED] number. Terminating number

21       is -- that's your number right there, right, that ends with [REDACTED] correct?

22          A     Yes, sir.

23          Q     And I will represent to you that a Spokeo check for this comes back to Daniel

24       Scavino.

25          A     Okay.

1 Q All right. Is it fair to say that -- I mean, you can compare the other times,  
2 the other calls that you received. Is it fair to say that this is the call from Scavino?

3 A Do I have any others from him, from that phone number?

4 Q Under originating numbers, you can look on January 5th, you can see the  
5 numbers that have called you. As you see on January 5th, for calls that went past --

6 A Yeah, I think that's fair.

7 Q Yeah, because you can see the other call. It's 17 minutes. I think when  
8 you do the time it's actually on the 4th, not the -- when you go back on the UTC. Does  
9 that make sense what I'm saying?

10 A Yes.

11 Q All right. So the only call that happens that's originating, that it's made to  
12 you looks like that [REDACTED] number, because you see the other numbers you originate the  
13 call. Do you see that?

14 A Oh, understood.

15 Q Right.

16 A Okay. Yeah.

17 Q The originating column says whether you made the call or someone else  
18 made the call.

19 A Gotcha, okay.

20 Q So that indicates that you were the terminating number, so you received the  
21 call.

22 A Cool. Yes, understood.

23 Q All right. So does that call for about 7 minutes around 5:55 p.m. on  
24 January 5th, is that fair to say that's the call from Scavino with President Trump on it?

25 A Yes, looks like it. Are we able to take this?

1 Q Pardon me?

2 A Are we able to take this?

3 Q Unfortunately, no.

4 A No? I mean, am I able to take a photo?

5 Q Well, we would like to keep the exhibits here, yeah. We don't want to  
6 replicate them.

7 A All right.

8 Q But, I mean, you have contact with your own phone carrier, so this is --

9 A I feel like you got a little bit more sway with them than me.

10 Q I'm sure if you log into your account you can check all these records.

11 A All right. Fair enough. Hey, why don't we do that?

12 Q Anything else that stood out to you about that call?

13 A No, sir.

14 Q Because when I look at a 7-minute call, anything else, right, so  
15 you -- he -- you mention like -- anything -- are you getting more in depth in these  
16 conversations? Because 7 minutes, while it's not an extremely long call, it's not a hello  
17 and goodbye.

18 A Yeah, I don't recall anything else --

19 Q Okay.

20 A -- on it.

21

BY [REDACTED]

22 Q Do you recognize the number afterwards? It's like a [REDACTED].

23 A I mean, I don't -- you know, you don't memorize people's phone numbers.

24 Q I don't know any of them. That's why I was -- we have it as somebody  
25 named gay Gabriel Laden?

1 A Okay.

2 Q Do you recognize that name?

3 A Yeah.

4 Q Who is that?

5 A That's a friend. He's -- I don't know. He's a friend of mine. I don't know  
6 what -- I met him through -- I met him in 2016 via -- he had a relationship with Jared, but  
7 in '16, since that he became a really close friend.

8 Q I was just curious, just looking at this, you -- it looks like you called him  
9 afterwards and spoke for 23 minutes, and I was just curious if it had anything to do with  
10 the previous call?

11 A I probably talked to him about them calling me, because he's the digital type  
12 person. He's also a marketing type person, and so I probably would've told him about.  
13 We're very close friends.

14 Q Oh, okay.

15 A And if, I mean, 16, like we had like hours-long conversations, 17, like it's  
16 crazy how much we talked, me and Gabe.

17 Q I will say like looking at the numbers, that is the one number consistently  
18 that's only ever at like 43, like lots of times.

19 A Yeah, totally. We gel well together.

20 Q Everybody's got their one.

21 A Yeah.

22 Q Good to know. Okay. Do you remember -- I mean, just out of curiosity,  
23 the 23-minute call about the 7-minute call, was there -- there was -- presumably you were  
24 discussing other things --

25 A Yeah.

1           Q    -- but did he have thoughts or was there any discussion or -- I mean, because  
2 a normally --

3           A    Go ahead.

4           Q    No, I was just going to say, normally January 6th is a day that none of us  
5 would know or care about. Prior to this year I don't think any -- I certainly had no idea  
6 what even happened on that day. So when you get the call on January 5th, I'm curious,  
7 when you talk with Scavino and Trump and then you call your friend about it, it's like  
8 weird, right? So like is there a conversation of, like, well, this weird thing just  
9 happened? Do you know what I mean, like --

10          A    I mean, we wouldn't have been like January 6th is tomorrow like because,  
11 you know, that's a critical day. We wouldn't have thought about it in that way at all. I  
12 probably was just telling him about it, like, you know, that they're -- you know, they're  
13 thinking they're going to build a social media platform or they're thinking -- they're asking  
14 me -- I would just explain to him, and then we probably would've talked about other stuff.

15          Q    Because to the extent that you remember, was the thrust of the  
16 conversation with Scavino and Trump the idea of like, okay, once you say there's a good  
17 chance you're getting kicked off once you're not President, then it's kind of like, okay,  
18 then if we build this new platform, was it more of like a business conversation about the  
19 building of a new platform?

20          A    I think there -- at that time it was very heavily considered to join a  
21 different -- a platform that maybe already existed. Building was not determined -- was  
22 not the determined path at that time.

23          Q    Okay. Do you remember if they mentioned an existing platform?

24          A    I think Parler might have been still up. I don't know if it was. If it was,  
25 that probably. I don't think -- yeah, I don't remember what else they would've

1 announced -- or sorry, not announced, what else they would've said. But they  
2 definitely -- I imagine they probably said other platforms.

3 Q Okay.

4 A I don't know which ones were in existence at that time.

5 Q Mr., am I saying it right, Laden?

6 A Yes.

7 Q Does he have social media platforms, like would he have been involved in  
8 that?

9 A No, ma'am.

10 Q Okay. So this really would've just been like a friend like, hey, weird  
11 conversation?

12 A Yeah. I talked to Gabe about a lot of stuff. We're very close.

13 Q Okay. I just wasn't sure if like, oh, you run a platform, guess what they  
14 want to do, right?

15 A Oh, no, he wouldn't be a social media builder. He made -- he at times  
16 made video games but not social media platforms.

17 Q Gotcha.

18

BY

19 Q Since we've talked about the 5th, when did we first hear about it -- yeah,  
20 there you go.

21 [REDACTED] We're going to check and make sure that's in there when we leave.

22

BY

23 Q We're going pat you down.

24 Let's talk about when you first heard about January 6th, an event on January 6th.

25 A I don't know when I first heard about an event on January 6th.

1 Q Do you recall conversations that you had about a rally or something of the  
2 sort on January 6th?

3 A Yeah. I mean, I don't recall any specific conversations. I do recall, again,  
4 not specifically but the general that -- the general premise that, you know, that it was not  
5 the campaign's event, it is not the RNC's event, and the campaign would not be doing  
6 promotion of that event.

7 Q Okay. So if you were brought into those conversations, what capacity  
8 would you have been brought in as?

9 A It could have been, you know, either -- it could've been one of two things,  
10 assumptions here, but legal saying -- legal trying to be proactive that, hey, we're not  
11 involved in this so don't do anything in regards to it, or the team saying, hey, is this  
12 something we should be promoting, the digital team asking and then me checking.

13 Q Who is Megan Powers?

14 A Megan Powers was an operations person on the campaign, I believe did a -- I  
15 don't know what her title was but did a lot on rally events, setting up rallies for the  
16 campaign.

17 Q Do you remember her being involved in January 6th?

18 A I don't know if I knew at the time. You know, after it's, you know, cloudy.  
19 You hear things, like obviously I've heard that, you know, she worked with them. I think  
20 she may have reached out to me about helping to promote it via my companies, not the  
21 campaign, which my companies did not, but I'm not certain if she did.

22 Q Who's Carolyn Wren?

23 A Say again?

24 Q Carolyn Wren, who was that?

25 A I think she was a major donor fundraising-type person.



1 Q And what did you understand her involvement to be with the 6th?

2 A I don't know.

3 Q Okay. What about Taylor Budowich?

4 A Comms person from Don, Jr. world, is my understanding.

5 Q And Justin -- and did you understand him to be involved with the 6th?

6 A Not at the time.

7 Q And what about Justin Caporale?

8 A He's like advance. He does advance, you know, like they'll go build the  
9 stage and get the rally set up. At the time, I did not know his involvement.

10 Q Okay. So let me show you what's on exhibit 10, which is a January 3rd  
11 email exchange between -- from Megan powers to Carolyn Wren cc'ing Taylor Budowich  
12 and Justin Caporale, and it's on the last page of Exhibit 10. You have to look on the  
13 backside on the bottom.

14 So it's an email, you see, from Megan Powers on January 3rd at 9:18. She says,  
15 White House hasn't publicly announced a trip yet, so we can't confirm he will be speaking  
16 yet. This is their preference. He has tweeted about -- for the last -- past few D.C.  
17 events, see you there, something along those lines, but he didn't actually speak at any of  
18 those. However, following Katrina's meeting tomorrow, hopefully we get everything  
19 confirmed and we should push that he'll be speaking. Will definitely bump crowd  
20 numbers.

21 I think as -- they're talking about President Trump. I think that that seems clear.  
22 And then you look two lines down, it says, Gary Coby's company does P2P texts. I spoke  
23 to him briefly today, and he said they could rent a list.

24 Reading that, does that refresh your recollection about your conversation with  
25 Megan Powers and what that -- about renting a list?

1           A    It aligns with what I, you know, I thought Megan had asked me.

2           Q    Yeah.   So like what does renting a list mean?

3           A    Renting a list is where you'd go to like someone who does -- you know, owns  
4 data and you pay them to just do a send to that list.

5           Q    And does Opn Sesame, is part of your business model actually owning the  
6 data as well where you rent the list?

7           A    No, we do not.

8           Q    Okay.   So in this conversation is she saying that -- like how do you  
9 participate with the renting of the list and how does that work?

10          A    You know, because I work in that world, I know people who have lists and  
11 own lists.   She does not work in that world.   She wouldn't know how to.   And, you  
12 know, I -- there are lists that are conservatives that we could reach out to and rent a list  
13 and then do a deployment, a text to that list.

1

2 [2:26 p.m.]

3

BY [REDACTED]

4

Q Now, you said you didn't -- they didn't end up using Opn Sesame?

5

A Correct.

6

Q And tell us what happened.

7

A I don't recall. I just -- you know, I remember just kind of being like, Yeah,

8

sure, you know, maybe -- you know, like not committal, but okay. This is what could

9

happen.

10

I believe, you know, it was something I didn't plan on doing, you know, but they

11

don't -- I don't think they followed up. I don't think I actually told them -- like, I don't

12

know if they followed up and I said No, or they just never followed up, but we didn't for

13

certain.

14

Q Do you recall conversations about the 6th with -- separate from

15

Megan Powers with Justin Caporale?

16

A No.

17

Q Do you recall conversations with Dan Scavino about the 6th?

18

A I don't believe so.

19

BY [REDACTED]

20

Q Before we leave that email, could you scroll up? There is an email from

21

Mr. Budowich. This is on the first page of the document. There is an email from

22

Mr. Budowich to Ms. Wren and Megan Powers and Justin Caporale, and there is a big

23

paragraph that says, "Because of the short timeframe, slash, organization limitations,

24

they don't have a significant regional email, slash, text list we can cheaply hit. We

25

treated this as a brand awareness campaign modeling known Trump supporters who are

1 inclined or had attended a Trump rally in the past with a 150-mile geo fence around the  
2 White House. The campaign is optimized to flood this targeted group with ads to  
3 increase awareness of the event. The one downside of digital right now is the ban has  
4 not yet been lifted on political advertising on social media, which is the most efficient  
5 place to run these types of campaigns."

6 Understanding that you are not on this email, but given your expertise in digital, I  
7 was wondering if you could help us clarify something. What does all of that mean?

8 A Okay. I'll start talking about some of it, and let me know areas that I do not  
9 cover.

10 Ban being lifted is the platforms stopped all political advertising, the platforms  
11 meaning like Facebook and YouTube, and so no political -- no one -- no topics could be  
12 advertised that were political in nature.

13 Q When was that ban put into effect?

14 A It was a week or two before the election.

15 Q Okay.

16 A Let's face it. I don't know if Google was the same time, but definitely  
17 Election Day passed. Post election, they called it a sensitive -- I don't know what  
18 language they used, but we were not allowed to run ads.

19 Q So that -- but that was a very short timeframe, either immediately before the  
20 election --

21 A But it lasted very long timeframe. It lasted through --

22 Q Months?

23 A Yeah.

24 Q At least up through this point?

25 A Through this -- through Jan 6th, it was still in place.

1 Q Okay.

2 A There was an exception for ads within the Georgia geo because of -- you  
3 know, there was a --

4 Q Because of the runoff.

5 A -- local election there.

6 Q Okay.

7 BY [REDACTED]

8 Q Is that why direct persuasion didn't have much to do post election?

9 A Yes.

10 Q Okay.

11 Mr. Coby. Any other specific areas you want feedback on from this?

12 BY [REDACTED]

13 Q Well, when he says, "because of the short timeframe, slash, organization  
14 limitations, they don't have a significant regional email, slash, text list we could cheaply  
15 hit," do you know what that means?

16 A I don't.

17 Q Okay.

18 A I know they -- I don't know if he's -- is he referring to the Tea Party Express?

19 Q Possibly. Like, is that something -- would that have been an  
20 organization -- I'm trying to figure out if it's like a mechanical problem, or it's like a Tea  
21 Party Express limitation.

22 A A lot of people on email and text lists, they don't have good geo data. So,  
23 in terms of it being regional, a lot of those rent lists or people's lists don't have a lot of  
24 geographical data.

25 Q Ah, okay.

1 BY [REDACTED]:

2 Q So you don't know where -- who you're texting --

3 A No.

4 Q -- they're New York, D.C., or they're in Idaho and they're not coming to the --

5 A Yeah, I don't know what list he's talking about, what org, but that is  
6 something that, in that world, there is not a good geographical data, always. I mean,  
7 some of us do, but --

8 BY [REDACTED]:

9 Q Right. So, when he says: "We treated this as a brand awareness  
10 campaign modeling known Trump supporters who are inclined to have attended a Trump  
11 rally in the past with a 150-mile geo fence around the White House," is that like they're  
12 looking for a list that satisfies those two things?

13 A That sounds like someone did a data model creating audience targets based  
14 on whatever is in that data model of people that, you know, they think would be Trump  
15 supporters that would go to a rally.

16 The geo fence means -- basically, they're saying: Tell me all the people in the  
17 country that would fit this -- would be in this model. I don't know how that model was  
18 created. And then, if those users are within this geo fence of a 150-mile radius around  
19 the White House, when they're in that geo fence, I'd like to advertise to them.

20 Q Got it. Okay. Okay. That's super helpful. Thank you.

21 A Yes, ma'am.

22 BY [REDACTED]:

23 Q Just a quick question. Do you have any knowledge about how they -- you  
24 see in the first line it says: Digital includes pre-roll display and text. First text went out  
25 Friday, second goes out today, third Tuesday a.m.

1 Do you have any knowledge as to what mechanism or list or --

2 A No.

3 Q -- media they used for those texts?

4 A No, sir.

5

BY [REDACTED]

6 Q Do you know what pre-roll means?

7 A Yeah. Pre-roll is like you want to watch a video somewhere, and they make  
8 you watch an ad first.

9 Q Ah, okay. And display and text.

10 A Display is like a static, you know, image, ad, like on a website. Text is text  
11 messaging.

12 Q Okay.

13 A I'm guessing. I don't know. You know, it's not like an --

14 Q That makes sense.

15 A -- a technical advertising term.

16

BY [REDACTED]

17 Q All right. I'm going to point you towards exhibit 11. And if you could turn  
18 to what is the third page. No, no.

19 A From the second?

20 Q Yeah. Exactly. And you'll see it's an email on January 2nd from Justin  
21 Caporale, and he says: Hey, would you like to live-stream the January 6th D.C. event on  
22 the boss's social channels? I can bring in the Abates.

23

[REDACTED] Abate?

24 Mr. Coby. Abates.

25

[REDACTED] Abates? Yeah, right.

1 [REDACTED] Oh,

2

BY [REDACTED]

3 Q To handle two cameras and to coordinate with Hahn.

4 And the response on the bottom of the second page is from a Dan Scavino, which  
5 he says: Hey, I'm going to use Right Side Broadcasting, Twitter/Periscope, along with  
6 OAN, Newsmax, Breitbart, and Daily Caller, who will be doing live spots via Facebook,  
7 et cetera. I'll be able to pull live from them like the last one. If they're not under  
8 payroll, and it would be an added expense, which POTUS is checking and sensitive to now,  
9 I don't need for this event. When POTUS goes, I can pull from same unless Gary/Mike  
10 want and/or see a need, good here. Thanks, Justin.

11 And looking up in that same page, Justin responds: Perfect. We'll work with  
12 those networks to get them placed appropriately, adding Hannah Salem, who is running  
13 press ops for Jan 6th. Mike/Gary, if anything changes or you need anything, let Hannah  
14 know.

15 And I will say the way this email was printed out, if I'm not mistaken, I think -- I  
16 believe you were copied on this email, but it prints in a way that it doesn't show the  
17 full from-to, but you can see by the way it's linguistically written that it's speaking to  
18 Mike/Gary.

19 Do you recall these communications?

20 A No. I mean, this had been like [REDACTED] I wouldn't have  
21 been reading them. It would have been all, you know, Hahn managing them.

22 Q Okay. And, well, what did you understand Hahn to be managing?

23 A He manages social media accounts for the campaign. So, if the campaign  
24 was going to do a live-stream -- we live-streamed every rally. We created a process to  
25 live-stream those rallies that I was not involved in. Hahn and the team on the ground,



1 often the Abates, to do those live-streams, they would have been replicating that in this  
2 scenario.

3 Q Uh-huh.

4 BY [REDACTED]

5 Q Who are the Abates?

6 A I think it's three brothers from Arizona, and they did, like, camera work.  
7 They'd go to events, set up the cameras, and film.

8 Q And what is Right Side Broadcasting?

9 A That's a -- it's a -- you know, like -- I guess independent media. They -- they  
10 came about in '16. They just started going to every Trump event early on in '16.  
11 Maybe 2015 even. But, you know, they built up. They're in Alabama, I think.

12 BY [REDACTED]

13 Q Okay. And we can go to the first page. Justin Caporale responds: Yes,  
14 I'm working with NPS to get a photog up in the Washington Monument pending the  
15 monument's operating hours/ticket allotments that day.

16 Scavino responds: Brilliant.

17 And looking at -- and Caporale sends two links, and at the top, you can see that  
18 you are cc'd, your Opn Sesame email, as well as Hannah Salem, Mike Hahn, and  
19 Justin Caporale, and Scavino sending the email.

20 At this time period, if you had received an email like this that referenced you,  
21 would you have -- would you just stop reading your emails, or would you have forwarded  
22 them to somebody on your team to deal with, or tell us, like -- knowing that you were,  
23 you know, downtrodden at that point, like, practically speaking, how were you kind of  
24 engaging in your role?

25 A I would have done nothing, maybe read them, but Hahn is on there, so, you

1 know, I would have done nothing.

2 Q So, unless Michael Hahn came back to you for something else, you would  
3 assume that things that went to Mike, Gary, Mike would have taken the lead?

4 A Correct.

5

BY [REDACTED]

6 Q Did you ever handle -- not at this time, but did you ever handle the digital  
7 aspect of posting things, live spots?

8 A "Handle" mean like do the execution, hands on keyboard?

9 Q Well, like, where Scavino says: Hey, I'm going to use Right Side  
10 Broadcasting along with these things who will be doing live spots via Facebook. Is that  
11 something that you would have ever done in any context, or would that always have been  
12 him?

13 A It did some. I did in '16. I played a role in it.

14 Q In '16?

15 A Yeah.

16 Q And, just out of curiosity, are you familiar with OAN, Newsmax, Breitbart,  
17 and Daily Caller?

18 A Yes.

19 Q What's the target audience that you're going for there with live spots?

20 A Conservatives.

21 Q Okay. Any specific type of conservative given those four?

22 A No.

23 Q Okay. Is that like a -- is there anything special or unique about those four in  
24 terms of kind of who they'd be reaching out to?

25 A I imagine those are like -- I don't know, but I imagine those four are probably

1 the most probably Trump-friendly in terms of their coverage.

2 Q Did you ever have to deal with the approval process in terms of, like, if you  
3 wanted spots approved on those stations, you know, the process by which they would  
4 kind of like review and either kick back and say this won't work --

5 A For TV ads?

6 Q Uh-huh.

7 A No.

8 Q No? Okay.

9 A I might have been on a thread, you know, as I was on many threads, but I  
10 was not involved.

11 Q And, to the extent only that you were aware, had you ever heard anybody  
12 discuss the lower standards for approvals on OAN, Newsmax, Breitbart, or The Daily  
13 Caller?

14 A No.

15 Q No? Okay.

16 BY [REDACTED]

17 Q Now, I want to stick with the post-election time period but talk about the  
18 efforts to challenge the certification of the election results. And we'll talk about in a  
19 minute about efforts of the campaign to use texting mechanisms to get out messages  
20 regarding, Hey, stop the certification, "stop the steal," things of that nature.

21 Do you recall any involvement that you had or -- in those efforts post election?  
22 I'm talking December 2020.

23 A I mean, I'm seeing this one, but no, I don't recall.

24 Q What -- [REDACTED]

25 A [REDACTED]

1           Q    Okay.  Is it fair to say that, before Christmas, you otherwise engaged in  
2   your work?

3           A    Only if I had to be -- if it was like someone coming directly to me, specifically  
4   to me and I had to be.

5           Q    And it's fair to say that, if someone senior contacted you, that's something  
6   that you would be engaged on?

7           A    Yeah.  I'm not --

8           Q    Right.

9           A    I wasn't ignoring people.

10          Q    Yeah.  So, like, if Jason Miller, like Bill Stepien, those kind of folks on emails,  
11   those are the things -- kind of people that you would --

12          A    Yes.

13          Q    -- respond to?

14          A    Yes, sir.

15          Q    Let's look at exhibit 12.  And we'll start at the bottom of exhibit 12, which is  
16   a December 23rd email from Jason Miller.  And, at the bottom, it says -- we'll go up a  
17   little bit, please.  All right.  A little bit more.

18                It says:  These start tomorrow.  National TV, and it has Stop the Steal REV, On  
19   Tape FN National, On Tape Newsmax National, Overwhelming National.

20                And then it has local TV, and it mentions Georgia, Wisconsin, Michigan, Arizona.

21                And, at the second page of that, it says:  National radio and local radio, and it has  
22   Fraud National, Fraud Wisconsin, Fraud Michigan, Fraud Georgia, Fraud Arizona.

23                And then you respond on December 23rd, which is number 1 to be featured, and  
24   got the blurb with numbers to post on the LP.

25                Mr. Miller responds to you, and he says, quote, "Overwhelming National," end

1 quote, is number 1 to feature. How's this for the text -- for the response text?

2 And he writes: Contact your Governor and legislators today, exclamation mark,  
3 demand they hear the evidence, exclamation mark. And it has Arizona, Georgia,  
4 Michigan, and Wisconsin followed by a telephone number for each.

5 Do you recall this email exchange?

6 A No.

7 Q Do you recall the substance of the email exchange, having these  
8 topics -- discussing them with Mr. Miller?

9 A No.

10 Q Do you recall Mr. Miller ever sending you texts for you to send out through  
11 Opn Sesame post election regarding these fraud -- fraud allegations?

12 A I doubt we would have ever done that. Maybe Tatango, blast text.

13 Q Okay.

14 A I doubt we would have -- because Opn Sesame is more effective than blast  
15 text.

16 Q Yeah. So do you recall that with Tatango?

17 A I do.

18 Q Reading this, do you think he's writing you as the digital director, or as the  
19 Opn Sesame CEO?

20 A I think he's writing to me as the one person to go to, then go get it to the  
21 rest of the digital team to do whatever he's asking.

22 Q So, when you ask which is number 1 to be featured, what are you asking?

23 A I don't recall what this was, but I'm guessing there was a landing page,  
24 because LP typically means landing page.

25 Q And what is a landing page?

1 A A website.

2 Q Okay.

3 A And so I imagine they -- I believe they probably wanted all these videos up  
4 on there, and I'm asking which one do you want at the top, because it's probably a  
5 featured video in the design of the landing page.

6 Q And, when you say: And got the blurb with numbers to post on LP, it  
7 sounds like you've had prior conversations outside of this email, because you know what  
8 to ask for. Is that fair?

9 A Maybe, or the design of the page has like a section of text, like, you know,  
10 that you need to put something in --

11 Q Uh-huh.

12 A -- and so it was like you've got text you want.

13 Q Yeah. So is it fair that all these various -- national TV ads, local TV ads,  
14 national radio and local radio, these messages are about allegations of fraud in Wisconsin,  
15 Michigan, Georgia, and Arizona?

16 A I know of no other information, but it says, you know, Fraud Georgia, so I  
17 assume.

18 Q Would you have reviewed the substance of this at all when you --

19 A No.

20 Q -- received it? No?

21 A No.

22 Q Did it matter to you what the substance was?

23 A What I would have done is probably hit forward and sent it to probably  
24 Parscale's team, I think, because they would -- they normally did the website building.  
25 Probably Hahn maybe, because he probably would have used videos on social media if he

1 didn't already have them. So that's probably would have been all I did.

2 Q So, in your role as digital director here, did it matter to you what the  
3 substance that the campaign was pushing out at this time?

4 A I didn't consider it.

5 Q Okay. I want to move to exhibit 13, which is about 7 days later,  
6 December 31st, around when this starts. Turning to the page ending in Bates stamps  
7 WS52, and it's an email -- and it's an email to you, Mike Hahn, Alex Cannon, cc's Justin  
8 Clark, Bill Stepien, Matthew Morgan, and Tim Murtaugh.

9 Who is Matthew Morgan?

10 A I don't know.

11 Q Okay. Subject line says: Georgia numbers blast text and Twitter blast out  
12 request for midmorning tomorrow/Friday. We are just targeting our Georgia cell  
13 phones with this tomorrow/New Year's Day midmorning, and I'd like to blast this out  
14 from team Trump Twitter account Friday a.m. as well. This was requested by Rudy with  
15 POTUS' blessing. Alex, please let us know if this is okay. We'll be following up with  
16 other State-specific blasts in the coming days.

17 And, at the bottom, it has -- it has a message regarding Georgia, and it says:  
18 With check marks, hear the evidence, correct the false statements, demand a vote on  
19 decertification. You're either with President Trump or you're against him, and it  
20 includes contact information for Speaker David Ralston and Majority Leader Mike Dugan.

21 Do you recall this communication?

22 A No.

23 Q Do you recall assisting in getting out blast texts for Georgia?

24 A I don't know I would have done anything, [REDACTED]

25 [REDACTED] So I might have signaled Hahn. I don't remember, but what's most likely is

1 I probably would have messaged Hahn, and he was, like, just work with the team on  
2 whatever is approved, you know.

3 Q And, when you say the team, who is the team?

4 A The digital team. The team who knows how to -- this would have gone out  
5 on Tatango, and so whomever on the digital team to go deploy it.

6 Q And who was the head of that team?

7 A I don't know who would have been doing the nonfundraising ones. Jamie  
8 from the RNC. I think Neilson. I could be wrong. He was the head of like the  
9 fundraising text, but he wouldn't have been doing these. So I don't know who would  
10 have, like, set it up with Tatango and hit the button.

11 Q Do you recall having conversations about these efforts to persuade State  
12 legislators to act differently with regards to election results?

13 A No, I do not.

14 Q Did you have any discussion with anyone regarding attempts to decertify  
15 election results? And, to provide a framework for you timing-wise, I believe  
16 December 14th is when the States certified the election results, so this is December 31st  
17 and January 1st.

18 Do you remember any conversations at that time period regarding efforts to  
19 decertify election results?

20 A I don't believe I remember anything, no.

21 Q Do you remember any texting efforts to influence State legislators about  
22 anything post election?

23 A I have a vague recollection that -- you know, stuff similar to this of them  
24 using the -- the campaign using blast texts or the subscribers to 88022 to, you know, drive  
25 action, or making phone calls.



1 Q Okay. So, when a text like this comes and says what this says, is that  
2 removed from the approval process we've been talking about?

3 A It was not the normal approval process that like fundraising emails went  
4 through.

5 Q Uh-huh.

6 A This is Miller and -- I mean, that was sent from Miller, right, the one we just  
7 read? The "from" -- the "from" is not there. Oh, there it is on the other page.

8 Q Yeah.

9 A This is from Miller. This is like the boss', you know --

10

BY [REDACTED]

11 Q If you turn to the --

12 A I'm sorry.

13 Q Go ahead.

14 A You go. My bad.

15 Q I think you were about to say the same thing. If you look on the page that's  
16 marked 51 on the bottom right --

17 A Yes.

18 Q -- and they're basically saying: Based on -- this is Alex Cannon writes:  
19 Based on my conversations with outside compliance counsel, there are no grassroots -- I  
20 think he meant to say lobbying -- registration issues with this. I defer to Rudy and his  
21 legal team to determine whether there may be any other legal considerations.

22 And then Miller responds: Thank you, Alex. The mayor requested the push and  
23 approved of the specific language via text.

24 And so is it fair to say that, if you're looking at this post election, this email chain is  
25 essentially the approvals distribution list for messaging post election?

1 A I think for this specific one.

2 Q For this specific one.

3 A It looks like it, yes.

4 Q Is there any reason to think it's different for others?

5 A I have no idea.

6 Q You were on others for other States, right, not Georgia?

7 A I don't recall these, so --

8 Q Okay.

9 A -- I don't know.

10 BY [REDACTED]

11 Q I'd like to move to exhibit --

12 [REDACTED] Oh, wait, wait.

13 [REDACTED] Oh, sorry.

14 [REDACTED] Before we move on. Sorry. If you could flip back.

15 BY [REDACTED]

16 Q So they're discussing the language -- and you have to go back to go earlier.

17 But, at a certain point, Jason Miller asks you -- and this is on 48 -- and Gary -- I think it was

18 still big according -- they're trying to get it down, I think, to 160 characters, but then

19 Miller says: And, Gary, you're good for a text to our Georgia numbers tomorrow.

20 And then you respond at 9:00 p.m. on New Year's Eve: Team all prepped to go.

21 I'm assuming HNY is Happy New Year, y'all?

22 Who is the team that you were talking about there?

23 A I probably would have messaged Hahn and said: Is everything good?

24 He probably would have said: Yeah.

25 And then I would have said that.

1           Q    So is it fair to say that, once everybody agreed on the language and all the  
2 clearances were done, the understanding was you'd load it into whatever text software  
3 and blast it out when they said to blast it out?

4           A    Yeah. This is a directive from the comms and strategy folks, deploy  
5 message to a list that's opted in to the short code, Tatango, and, when all those  
6 folks -- you know, they'd give that direction and say it's legally and whatever okay, then  
7 members of the digital team would set it up and deploy.

8           Q    Okay.

9           A    And I -- I'm not -- I don't know for certain, but it might have been Hahn doing  
10 the deployment, like hitting the button.

11          Q    Well, if you look on 45, when he says: Social done and amplifier alerts are  
12 out the door now, is that hitting the button, or saying the button has been hit?

13          A    Social posts is just posting online. Amplify alert is like a text system, so  
14 yeah, that's hitting the button.

15          Q    Okay. Okay.

16          A    But I don't think that -- amplify alert isn't sending to, like, Georgia audience.  
17 The amplify alerts is internal, like surrogates and whatnot.

18          Q    Okay. That's what I thought, too, from something you had said previously.  
19 So you would have handled the -- oh, and I think that's what it is. There is an email -- it's  
20 at the top of 46. Sorry. We kind of chopped these up.

21          A    Yep.

22          Q    It says -- I think you write: Sending at about 10:00 a.m. Let me know if  
23 any issues. Thank you.

24          And then Miller says: Perfect.

25          And then Hahn says: Social done and amplify alerts are out the door now, at

1 about 9:29.

2 So his would have come out, and then your text would have come out. So it  
3 would have all come out together?

4 A The campaign would have sent a text to their -- their subscribers using  
5 Tatango --

6 Q Okay.

7 A -- at that time. And that was -- whoever was doing it, whoever was  
8 coordinating it, you know, they would have sent me that and said, Just go ahead.

9 Q And, when Hahn talks about amplify alerts -- I think you told us about this  
10 last time. That's literally a call to surrogates or people who literally, with their own  
11 social media accounts, retweet or resend or amplify whatever the campaign has sent out?

12 A Yes, ma'am.

13 Q Okay. Did anybody other than Hahn have the ability to send those amplify  
14 alerts?

15 A It was largely not driven by Hahn. It was a comms vehicle, a comms  
16 requested, but I don't know if any other people had the button push -- the ability to push  
17 a button.

18 Q And, to be clear, my understanding is he's doing this with the approval of  
19 Jason Miller or Tim Murtaugh, but he's the one who is actually pressing the amplify alert?

20 A I believe so.

21 Q Okay.

22 [REDACTED] Go ahead.

23 BY [REDACTED]

24 Q Let's move to exhibit 14.

25 This is around the same time period.

1           Now, going to -- starting with the page ending in 63, you can see that this seems  
2     to be a similar kind of email -- excuse me -- text message for Pennsylvania, and this email  
3     comes out from Jason Miller, and the subject line is Pennsylvania cell numbers blast text  
4     and Twitter. And, again, it has: Hear the evidence, correct false statements, demand a  
5     vote on decertification.

6           And the page ending in 62, Alex Cannon responds: Jason, PA has grassroots  
7     lobbying registration laws. There is a risk of a fine for doing this in PA. We've lived  
8     with this risk before, but I want to note it again.

9           Jason Miller responds: How much is the fine?

10          And then, on the page ending in 60, Alex Cannon responds about doing some  
11     research and speaking to Jones, Day about Pennsylvania, and Pennsylvania laws on this  
12     are very stringent. He says: This fine can be up to \$25,000. It can be prosecuted as a  
13     criminal misdemeanor. Also, attorneys who are engaged in lobbying, including as legal  
14     advisers to unregistered lobbyists, can be referred to relevant disciplinary committees.  
15     Given that fact, if we are going to move forward with this kind of activity in PA, I cannot  
16     advise further on it.

17          Justin Clark responds: I think we should not tread into this territory. Per  
18     outside counsel, we can all be subject to discipline and criminal investigation by the State  
19     AG, a liberal Democrat. It's political ambition. I recommend against doing it in PA.

20          And, at the top of the page ending in 51, Tim Murtaugh writes: Agreed. If it  
21     gets -- and, if it gets tweeted by the campaign, they'll come looking for everyone.

22          And then, on the page ending in 58, Mr. Miller responds: We can just blame  
23     Boris.

24          Do you know who Boris is?

25          A     Boris Epshteyn -- Epshteyn.

1 [REDACTED] Epshteyn?

2 Mr. Coby. Yeah.

3 BY [REDACTED]

4 Q Yeah. And what's his role?

5 A I don't know. He's an adviser. Yeah.

6 Q Okay. So alternatively, is Arizona okay to target tomorrow instead, Alex?

7 Alex Cannon responds: Jason, Matt and I spoke. We are comfortable with the  
8 Arizona play. Gary, I'm going to call you with some technical points.

9 Do you recall having that conversation with Alex Cannon about some technical  
10 points?

11 A No, sir.

12 Q Do you recall having conversations about any of this?

13 A No. [REDACTED]

14 Q Uh-huh.

15 BY [REDACTED]

16 Q [REDACTED]

17 A [REDACTED]

18 [REDACTED]

19 Q Okay. So, when we were reading that Happy New Year text, you were  
20 literally sending Happy New Year out from --

21 A [REDACTED]

22 Q Ah, okay. [REDACTED]

23 A Yeah.

24 Q [REDACTED]

25 [REDACTED]

1 A Yeah. [REDACTED]

2 Q Okay.

3 BY [REDACTED]

4 Q And, on the first page of this, you respond with: 88022 AZ text for review.  
5 But, again, you don't recall any of this. Is that right?

6 A I would not have edited that. Someone on the team would have, would  
7 have sent it to me. I would have copied and pasted it and sent it.

8 Q Okay. And, again, no substantive discussions regarding the substance of  
9 these texts with anyone?

10 A No, sir.

11 Q So is it fair, you kind of saw your role as someone came up with it, I'm just  
12 passing along the line, I'm not here to edit, I'm just here to make sure --

13 A Yeah. I mean, I think the rest of the campaign didn't know all the people  
14 on digital, and so just everything -- they just contacted me as the easy, you know,  
15 communication point.

16 Q Okay. I'm going to show you exhibit 16, which is a January 3rd email on the  
17 similar topic. We can begin on the page ending -- the second page, which ends in WS72.  
18 Mr. Miller responds --

19 A Real quick, I've got -- we're on 16, or 17?

20 Q We're on 16.

21 A My apologies. Okay. Cool. Good.

22 Q The page ending in 72, Mr. Miller, on January 3rd, says: 9:00 a.m. eastern,  
23 Georgia, exact same blast text and tweet as before. He has the link.

24 And he says, 11:00 a.m. eastern, Arizona, exact same blast text and tweet as  
25 before.

1           And you respond:   Okay.   Hahn, gonna shoot over a copy and numbers to  
2 confirm.

3           And then Michael Hahn responds that evening with -- he says:   All set on social.  
4 Text copy below.

5           And, again, these kind of same responses.

6           And Mr. Miller responds:   Perfect.

7           Any recollection about these conversations?

8           A    No, sir.   I think this is me like further, like -- like -- I might have gone  
9 around, like I wasn't well, and I was like, you've got to -- like, you've got to do this.   Like I  
10 was just, you know, middle-manning the correspondence, and this is me telling him, like,  
11 you've got to do that.

12          Q    Okay.

13

BY [REDACTED]

14          Q    Is that why -- if you -- actually, maybe it's on both of these, because I  
15 think -- yeah.   I think -- well, definitely -- so this one is January 3rd at 9:30 a.m.  
16 January 2nd -- so, then, by -- yeah.   So, if you look on Saturday, January 2nd -- so  
17 this -- on 66, this is in exhibit 15, right?

18          So, on 60 -- at the bottom of 66, 9:35 p.m., Mike Hahn says:   All set for social for  
19 noon tomorrow.

20          And Jason Miller says:   Gary, new number for Chatfield, Shirkey was okay.

21          And then, at 9:35 a.m. on January 3rd, you say:   Ok.

22          But, when you get to the next exhibit, on January 3rd, at 10:46 p.m., so this is later  
23 that night, the same day, Mike Hahn is now saying:   All set on social, text copy below.

24          So is he -- is he -- has he taken over texting essentially for you?   Is he covering for  
25 you at this point?



1           A    I wasn't doing anything on it. All I was doing was forwarding or copy and  
2           pasting, the team does work, and then I'd just communicate back. But that required me  
3           to, like, you know, be reading emails and responding to the emails --

4           Q    Okay.

5           A    -- and so, I removed myself from that [REDACTED]  
6           [REDACTED]

7           Q    Oh, actually, I'm wrong, because, if you look at the next page on 72, you are  
8           actually emailing -- I thought maybe he had taken over. But, at 10:40, you were  
9           responding to them.

10          A    That's what I said. Hahn is going to do it.

11          Q    Okay.

12          A    And then the next email was Hahn doing it.

13          Q    Okay.

14          [REDACTED] All right. Go ahead, yeah.

15          BY [REDACTED]

16          Q    Mr. Coby, let's turn to fundraising regarding January 6th. Do you recall any  
17          discussions regarding using an event on January 6th in fundraising emails or texts?

18          A    I do not.

19          Q    Or digital ads or anything?

20          A    No, sir.

21          Q    Do you recall any conversations about January 6th, an event on that  
22          being -- let's call it an input into the fundraising process machine for any reason, for  
23          substance?

24          A    I don't remember discussions on that, but, you know, again, just like  
25          November 4th, talking about election fraud as it's in the news and it's a topic and it's

1 relevant, I think the same would be true here for that time period.

2 Q And is it fair, because President Trump is talking about January 6th, that it's  
3 going to be in the fundraising appeal because it's the topic of the day?

4 A Yes, sir.

5 Q Did you have conversations with Austin about the use of January 6th or the  
6 relevance of it for fundraising purposes?

7 A Not that I recall.

8 Q Were there any campaign-wide -- any comms or strategic discussions that  
9 were given to you about the importance of January 6th?

10 A I don't believe so.

11 Q Did you have discussions with Jason Miller, Justin Clark, Bill Stepien, any of  
12 those individuals about the event on January 6th?

13 A I don't believe so.

14 Q If fundraising had taken a turn to a new topic, would it have been normal for  
15 you to be aware of that or not aware of that?

16 A Not aware, or not involved.

17 Q But involved. So was it common for you to hear about fundraising topics in  
18 emails after the fact?

19 A There were times when I would see something, you know, on the news, and  
20 I would be, like, Hey, and I would email, or signal Austin, not email -- are we doing  
21 something on this topic?

22 And he'd be like, Yeah, we already sent something, or someone would say  
23 something in the campaign, like, Oh, that -- you know, they're referencing something that  
24 went out that I had no idea about.

25 Q Uh-huh.

1 A And I just kind of played dumb, but -- not play dumb, play like, Oh, yeah.

2 Q Play along?

3 A Yeah. Sorry.

4 Q Because Austin is making you look good?

5 A Yes, sir.

6 Q So -- and, in all of this we're talking about, is it fair that this is Austin's  
7 domain?

8 A Yeah. Austin led the fundraising team.

9 Q Yeah. So I want to show you, for example, exhibit 17.

10 All right. So this is an email that comes out on January 6th, I believe that  
11 morning. It says: John, we need to make sure you're aware of how important today is.  
12 Congress will vote this afternoon to certify, or object, to the election results. Over 100  
13 Members of Congress have vowed to fight for President Trump and object to the results,  
14 because they are concerned about voting irregularities and potential fraud. The stakes  
15 have never been higher, John. President Trump needs you to make a statement and  
16 publicly stand with him and fight back.

17 Mr. Nassikas. What's the date of this one?

18 [REDACTED] January 6.

19 Mr. Nassikas. Okay.

20

BY [REDACTED]

21 Q I'm going to show you -- I'm just going to show you the three emails that  
22 we'll kind of just talk about them so you can get a sense of the emails that went out.

23 So exhibit 18. This starts with a tweet from President -- this is also on  
24 January 6th -- a tweet from -- that is ascribed to team Trump, but quoting Vice President  
25 Mike Pence. It says, quote, "I promise you, come this Wednesday, we will have our day

1 in Congress," end quote. And it says: The Vice President is right. Today will be a  
2 crucial milestone in our months-long effort to defend election integrity.

3 And, at the end of the next paragraph, it says: This is our last line of defense,  
4 John.

5 And it's got President Trump, Vice President Pence will never  
6 stop -- President Trump and Vice President Pence will never stop fighting to deliver you a  
7 fair and honest election, and now they need to know they have your support. For a  
8 short time, when you contribute to the Official Defend America Fund, you can increase  
9 your impact by 1,000 percent. We are calling on our strongest allies to step up to the  
10 front lines of this nasty battle. With your help, we'll uncover the truth.

11 Now, is it fair to say that the discussion of the Official Defend America Fund and  
12 the increasing impact, that's all marketing tactics?

13 A I believe so, yes.

14 [REDACTED] Can you scroll down for just one second?

15 BY [REDACTED]

16 Q This America's Defenders, are these people real?

17 A I believe so, but I'm not sure.

18 Q Would they have to be real for you to include them?

19 A We -- I don't know that these are specifics or not, but a thing we did  
20 common on rallies, like Trump campaign rallies, was have a live ticker --

21 Q Uh-huh.

22 A -- or ticker of donors, and it was all real people.

23 Q Okay. The live ticker of donors was real, but sitting here, do you know if  
24 that's real or if it even had to be real to be included?

25 A I don't know. I feel like it probably was real, but I'm not sure.

1 Q Okay. If the copywriters had just made that up and put that in there, do  
2 you know if it would have been caught -- like, do you know if it would have been said no  
3 to?

4 A I don't think Zach would have done a fact check on if there is a Gary K. that  
5 donated from Missouri.

6 Q Right. So it -- it may -- it may or may not be real. It could be a marketing  
7 tactic as well?

8 A I mean, the ticker on the live-stream is a marketing tactic. That doesn't  
9 mean it's false.

10 Q Right. And I understand that. I guess what I'm saying is, is there any way  
11 to know, sitting here reading that, that that's factually accurate?

12 A Not with the information we have here.

13 Q Okay.

14 BY [REDACTED]

15 Q And I'm also going to show you exhibit 19, which is another email on  
16 January 6th. It begins: Friend, today will be an historic day in our Nation's history.  
17 Congress will either certify, or object to, the election results. Every single patriot from  
18 across the country must step up right now if we're going to successfully defend the  
19 integrity of this election. President Trump is calling on you to bolster our Official Defend  
20 America Fund.

21 So, Mr. Coby, in reading these emails, the tone of the fundraising pleas sounds like  
22 the fundraising team is saying January 6th is a huge deal. It's kind of like the buildup of  
23 the last 2 months that have happened. Are you saying that you weren't involved in  
24 having any conversations as to the crafting of this messaging? Was it all at the level of  
25 Austin?

1           A    I wasn't involved in the crafting of this messaging in any way. I think a lot  
2 of emails had -- not just the ones leading up to Jan 6, had, you know, pre-election as  
3 well --

4           Q    Uh-huh.

5           A    -- importance, importance. I don't think it had new for this time period.

6           Q    Okay.

7           A    And I imagine the copy team is crafting it, not necessarily Austin. I don't  
8 know, as we previously discussed.

9           Q    But, when I just say Austin, it's fair to say that Austin oversaw all the copy  
10 that came out of the copy team? Whether or not he reviewed every single email, that  
11 was his responsibility?

12          A    I feel like, if me saying yes to that is like when, you know, someone in  
13 random other department or campaigns says, Yeah, that was Gary's responsibility to  
14 oversee everything in digital. But, in reality, I wasn't reading it. So it's like I  
15 don't -- you know, in the same vein, I don't know. And I don't think it's correct for me to  
16 say that, to assume that.

17          Q    Uh-huh.

18

BY 

19          Q    Do you see in the first paragraph where it says every single patriot with a  
20 capital P? Is that a common thing prior to January 6th? Because, when I look -- and  
21 this is just off the top of my head. I do not expect you to remember every email, but I  
22 don't remember patriot coming up a lot before January 6th.

23          A    No idea.

24          Q    Had you ever had discussions in the marketing department -- do you know  
25 what a dog whistle is?

1 A I've heard the term.

2 Q And I don't mean the actual whistle used to call dogs, but what do you  
3 understand a dog whistle to be?

4 A I don't really know what it means.

5 Q Like in marketing?

6 A I don't think it's something we've talked about or tried to utilize in  
7 marketing.

8 Q Are you familiar with the term from --

9 A I just know the name dog whistle, but I'm not sure really what it means.

10 Q So --

11 [REDACTED] You are probably the better person. I'm going to wait until -- [REDACTED] is  
12 our expert here, but my understanding --

13 Mr. Coby. On dog whistles?

14 [REDACTED] He's the analytical brains of the team, but the -- my understanding is  
15 that there are these things that some politicians use, terms or phrases that, on their face,  
16 you or I would just see as a word and would have no idea what it means. But, to certain  
17 groups or organizations, they have, like, independent meaning. It's almost like coded  
18 language. I'm assuming you're going to correct me if I'm wrong if that's easier.

19 [REDACTED] No.

20

BY [REDACTED]

21 Q But my understanding is that patriot, like, we heard -- we really see this term  
22 about the people who end up going into the Capitol and getting charged.

23 So my question is, like, prior to this, capital P patriot isn't used really that much.

24 Was there any discussion, or did anybody in the copywrite team ever talk about using dog  
25 whistles or using these terms that certain, we'll say, fringe portions of the right might

1 identify with in order to kind of allow them to identify that maybe certain emails were  
2 talking to them?

3 A Dog whistle isn't a vocabulary term that was used in the digital department  
4 in any way, shape, or form.

5 Q Take out the dog whistle thing. Was there ever any discussion among the  
6 copywriters or anyone in comms or digital about the use of language that may reach to  
7 certain groups or using that in the content of the emails?

8 A No.

9 Q Okay.

10 A Not that I'm aware of, at least.

11 Q Okay. To be clear, in your last answer, could those conversations have  
12 happened amongst the copywriters and you not know about them?

13 A Many things could be discussed amongst a group of people I'm not aware of.

14 Q Okay.

15 BY [REDACTED]

16 Q And it wouldn't surprise you that they would reuse terminology if they  
17 thought it was especially effective with the base. Is that fair?

18 A I think, you know, being on message and using consistent messaging is part  
19 of communicating on a topic.

20 BY [REDACTED]

21 Q Is that something that you might have tested for in metrics?

22 A No. It's too small of a variance. It's a low- value variance. Very -- good  
23 things to test are big variance. You want great unique things to test. You're not going  
24 to -- if you did patriot or -- I don't know what's another word, great Americans, or, you  
25 know, person, I don't know, your results would be almost no difference. And, therefore,



1 it's not a good thing to test.

2 Q Let me ask you something, though. Sitting here today, you can't say that  
3 some of the people reading that who may have identified and ended up in the Capitol  
4 might not have identified with capital P patriot in a way that you didn't intend to?

5 A That they felt they were patriots?

6 Q That they were the capital P patriots?

7 A What's the capital P patriots?

8 Q You know, that's what I'm talking about, the dog whistle, right? Sitting  
9 here today, you don't know if somebody latched onto something and said, Oh, capital P  
10 patriot is talking to -- if you didn't know the dog whistles, you might not have known what  
11 they latched onto, right?

12 A I'm not sure what you're asking me.

13 Q You're saying we didn't test for these things because it doesn't seem like a  
14 big enough difference. Like, capital P patriot, that's one word. But, if you're not aware  
15 of the dog whistles that these subcultures or groups used, you might not have known,  
16 right, that capital P patriot might have actually said something else to some of these  
17 individuals than you intended when you sent out the email?

18 A I do not -- how an end user exactly receives the words, I do not have a way  
19 of determining that.

20 Mr. Nassikas. [REDACTED] do you know if the campaign or the President, at that  
21 time before this went out, was using that in his tweets or speeches?

22 Mr. Coby. He probably was.

23 Mr. Nassikas. So presumably that's been a premise all along was --

24 [REDACTED] Yes.

25 Mr. Nassikas. -- information derived from what the campaign is saying, or

1 the President is saying.

2 [REDACTED] John constantly steals our thunder.

3 No, it's actually a -- there is a very good point that -- excuse me.

4

BY [REDACTED]

5 Q Mr. Coby, had you ever heard people talk about the fact that the President  
6 sometimes did use dog whistles or terms that were known phrases for groups that might  
7 be in his base in his tweeting or messaging?

8 A In the media.

9 Q I'm sorry?

10 A In the media.

11 Q What you know you saw in the media?

12 A The media made those claims about what he said, and that's where I heard  
13 that.

14 Q Okay. But you --

15 A Not internal in the campaign.

16 Q You never had any conversations with anyone about that?

17 A No. I don't think the campaign ever -- I feel like that was like a media term,  
18 dog whistles. I don't think, like, people in the campaign were ever saying dog whistles.

19

BY [REDACTED]

20 Q Well, I think this is separate from using the term dog whistles.

21 [REDACTED] Yeah. I don't want you to get caught up in the dog whistles.

22

BY [REDACTED]

23 Q Just let go of the term dog whistle. The point --

24 A All right.

25 Q -- being that --

1 [REDACTED] Catchphrase.

2 [REDACTED] Yeah. A catchphrase.

3 BY [REDACTED]

4 Q Like someone can say something and, if you're in the culture, you get what it  
5 means. And, if you're not, it goes over your head. We all do it, right?

6 A Understood.

7 Q Sports fans say things that you get what it means. And then people that  
8 don't watch sports, over the head.

9 [REDACTED] Young people.

10 [REDACTED] Yeah. Gen Z'ers say things.

11 [REDACTED] Yeah.

12 BY [REDACTED]

13 Q But, with regard to the campaign, was that an understanding that people like  
14 you, who are messaging folks for the campaign, that you understood, right, like there  
15 are -- you have a base. Both sides have a base. There are terminologies and cultures  
16 that exist within that base. Did you understand that to be true when it came to  
17 President Trump as well?

18 A No. I don't think we thought about it that way. I think it just, you know,  
19 drafting off -- off the -- you know, how things were framed from him and -- but I don't  
20 think we thought about it in that way, or -- and I don't believe there was discussions  
21 about it in that way.

22 Q But it would -- a lot of the -- I think you said last time, right, fundraising  
23 emails often are focused on raising money -- a lot of money off -- I think you gave a  
24 number 10 to 15 percent of the candidate's supporters. Is that accurate?

25 A I don't think I said that.

1 Q Okay. Maybe I --

2 [REDACTED] Last time?

3 [REDACTED] Yeah.

4 BY [REDACTED]

5 Q I thought -- I thought you said that last -- but let me ask you now: Is it fair  
6 to say that fundraising -- small-dollar fundraising appeals are often -- the people who are  
7 most responsive are the core of the candidate's base?

8 A Yeah. I think that's -- that's a -- it's a part of his base, but, you know, less  
9 than 10 percent of people who voted for Donald Trump donated to Donald Trump.

10 Q Okay. So I think that's what number I was referring to maybe. I think you  
11 said --

12 A Less, but that is a fact.

13 Q Oh, okay. Well, okay. So less than 10 percent. So is it fair to say those  
14 are his -- his strongest supporters, perhaps?

15 A A section of -- no. I think there is probably a lot of Trump supporters who  
16 don't donate to political campaigns or didn't have means to donate. And just because  
17 they didn't donate doesn't mean they're not a strong supporter.

18 Q Yeah. Would you --

19 A And I think probably some donors probably weren't that strong of  
20 supporters, but they just, you know, felt, you know, it's a binary choice, and our  
21 Presidential elections -- and they chose that choice. You know, they like Trump over  
22 Biden.

23 BY [REDACTED]

24 Q Real quickly, would you interpret somebody who did donate money -- would  
25 you interpret that donation as supportive of the candidate that they donated money to?

1           A    Yeah.  If they're supporting X versus Y, so Trump over Biden.

2           Q    Okay.

3           A    The degree of supporting Trump, I don't think is clear based on them giving a  
4   donation.

5           Q    And I feel like we talked about this last time, but maybe I'm  
6   misremembering.  Based on your marketing expertise, when people donate money to  
7   things, aren't they generally more committed, entrenched -- like they -- this -- you  
8   probably know better what I'm talking about.  The social science concept of when you're  
9   invested in something, you tend to believe it more, defend it more.  Do you know what  
10  I'm talking about?

11          A    Almost all of my donors turn out and vote.  We don't know who they vote  
12  for, but you can infer they're probably voting for the person they donated to.

13          Q    And that has something to do with the tie of the, like, social science aspect  
14  of, when you give money to something, it's like one of the biggest signs of commitment to  
15  like a concept or a cause, right?

16          A    An investment, a sum cost.

17          Q    Okay.

18          A    There is a marketing term called -- it's not in play here, but a sum cost  
19  fallacy.

20          Q    I'm sorry?

21          A    A sum cost fallacy where, if -- you know, if a user spends money on  
22  something, you know, they're -- they'll spend more money.  It's typically -- it's like a  
23  game -- more of a gaming term.  You invest in a game and, you know, you've already  
24  spent money, so that justifies your reason to spend more money.

25          Q    Oh, sum cost fallacy?

1           A    Yeah.

2           Q    Am I saying that right?   Okay.

3           A    Yes, ma'am.

4           Q    And, a minute ago, when you were talking about the testing, and I brought  
5 up the word "patriot," did you do testing to see if there were words that made more  
6 money than other words?

7           A    I don't know if the team tested that.   I doubt it.   I doubt you would see  
8 much variance in your test, and, therefore, it would be a very poor test to run.

9           Q    Would it be more phrases or entire sentences?   Is the issue the length, or  
10 what's the --

11          A    You know, levers -- you know, performance marketers are -- wants levers,  
12 you know, things they can change to create unique results, and a single word or sentence  
13 really is of low value to create a significant variance in your result.   Better is like those  
14 boxes on the emails, you know, where it's got like the stack, contribute X, contribute X,  
15 with a list of names.   The actual copy is of very low value to drive better results.

16          Q    That's not consistent with what some of the copywriters told us, whose skill  
17 was literally --

18          A    Well, they ran those tests, so they probably know better.

19          Q    Okay.

20          A    But my understanding is that is not the case, and the more tactical in  
21 structure would be a better result.   But, as you get older and higher up the ranks, you  
22 are less hands-on keyboards and, you know, they become better.

23          Q    Are the best people to actually weigh in on that is the people who are doing  
24 the metrics testing, who are actually running the this versus this, that versus that?

25          A    Yeah, I would say so.

1 Q Okay.

2 A Yes.

3 Q And, sitting here today, do you actually have any idea, or can you remember  
4 what they were actually testing in terms of this works versus that works?

5 A I don't know the specific A versus B in most scenarios. There is times when  
6 I, you know, thought up tests, not -- nothing to do with copy. That's why I -- you know, I  
7 kind of think of the not copy test of being of maybe better value, because that's where I  
8 thought of some.

9 Q What's the -- can you remember a test that you thought up, like this is a  
10 valuable A versus B (ph) test?

11 A Yeah. You know, a user -- it's changing landing pages in terms of, like,  
12 should we -- you know, a landing page has a -- what's called a button array of several  
13 buttons of donation amounts, and changing those, getting rid of the other box, increasing  
14 the amounts on those buttons, that would be a test we'd run.

15 Or how we're segmenting our audiences would be something that I did think  
16 of -- spent some time thinking on with the team in terms of, you know, when you're  
17 segmenting an audience, you're looking, again, for variance in your cuts, so like audience  
18 A, B, C, right? If I just sent to all, the result is X, but, if I can find a segment of that  
19 audience based on historic action, more so than demographics or anything, that produces  
20 great results, I can send to that audience more, because that will get the audience to  
21 respond well.

22 Q I want to make sure I understand. A minute ago, you said you would test  
23 the other button. That's like if it's like 5, 10, 15, 20, other --

24 A Yes.

25 Q -- for the donation amounts?

1 A Yes.

2 Q And so you would test that, and then you would even test, like, the numbers  
3 within the boxes?

4 A Yes. And tons of things on the page. I mean, endless ideas. I -- those  
5 are some that I thought of, but not all of them, I thought of.

6 Q And those -- like, if those made a difference, you don't think the copy and  
7 the words used made a difference?

8 A I didn't say it doesn't make a difference. I believe your tests need to focus  
9 on the things that create the greatest gap in results.

10 Q Oh, so you --

11 A Because a good test, you're testing three things. And, if at the end of the  
12 test, it's a minute difference between A, B, and C, it's worth nothing, and you've wasted  
13 that test.

14 Q Oh, I see what you're -- so you're saying, like, people visually, you think,  
15 would notice the difference between other being there and not being there versus patriot  
16 versus great American, they might not notice?

17 A I think that's not going to create as much of a variance in the end dollar  
18 amount given or percentage of users that convert.

19 Q Okay. All right. But, sitting here today, you don't know if they did any  
20 metrics on differences in words and copy?

21 A Well, I imagine -- I mean, an email send had an RPS, and they looked at that  
22 RPS, and I imagine part of it was talking about the copy.

23 [REDACTED] Okay.

24

BY [REDACTED]

25 Q And your expectation would be copywriters, in trying to do their jobs better,



1 would replicate language that worked, separate from whether they tested that language?

2 A Yes. And, if you're talking to copywriters, the only thing they are probably  
3 testing or had the ability to test is copy, because that's the only thing they work on --

4 Q Uh-huh.

5 A -- so that's probably, quite honestly, what they know best how to do.

6 Q Yeah. Where were you when the attack happened, the January 6th?

7 A At my house.

8 Q Were you watching?

9 A No. I mean, I don't know what when it began is. You know, what is that  
10 period of time, right? And I wasn't paying attention to the news, wasn't watching. I  
11 was just at my house, but I think I got messages from someone, you know, in regards to  
12 it.

13 Q Who was the first person who messaged you?

14 A I don't know.

15 Q Do you recall when you first heard from anyone in the digital team?

16 A That -- I think that probably was the first, but I'm not certain, and it was  
17 probably in regards to, like, stopping fundraising.

18 Q And why would that be a message that you would get about  
19 something -- folks, stop fundraising?

20 A I believe the message was something regards to, you know -- that the Jan 6  
21 rally was, you know, turning into something more. Should we stop fundraising?

22 Q What's the connection there?

23 A It doesn't look positive.

24 Q I want to -- so tell us about the decision to stop fundraising. How did that  
25 happen?

1           A    I probably turned on the television, probably talked to the other people on  
2   the digital team or maybe Richard. I don't know for certain, but I think everyone  
3   basically agreed. Then, from there, would have messaged various people, me or others,  
4   on different -- who controlled channels, so you're going directly like to people that are  
5   hitting buttons and stuff and telling everyone stop.

6           Q    And so who did you hit to tell them to stop?

7           A    I don't know who I hit -- contacted. I might have hit up Mia Hunsicker, my  
8   CTO at Opn Sesame. She's like -- probably has the most control over the technology --

9           Q    Uh-huh.

10          A    -- so, you know, make sure, you know, stuff didn't go out. But Austin  
11   probably would have communicated to the other channels.

12          Q    Okay. I'll show you exhibit 20, which is an email -- this says one -- 13:35,  
13   and don't hold me to it, but I believe the Capitol was first breached around 1:30.

14          [REDACTED] Uh-huh. It was around there.

15          BY [REDACTED]

16          Q    So this here is 1:30. And it says: Happening now. Congress is voting to  
17   certify, or object to, the election result. President Trump needs you to stand with him,  
18   100 percent impact. Donate.

19          So who would have tasked with knowing to launch this text and saying happening  
20   now?

1

2 [3:26 p.m.]

3 Mr. Coby. It would have been the same process as always. But the time is not  
4 reliable when it was sent. Carriers queued messages. That process takes time for it to  
5 actually go out.

6

BY 

7 Q Okay. Yeah. Let's talk about -- let's go to exhibit 21, and we'll start on the  
8 back page of that. Mr. Coby, if you can go to the back page.

9 A Okay.

10 Q So it's an email from Brian Schwartz of CNBC, and he sent the email to Tim  
11 Murtaugh and the press office at DonaldTrump.com. The subject line is Trump Joint  
12 Fundraising Committee raising money off democrats trying to, quote, "steal," unquote  
13 the election, and quote, "keep fighting," unquote, even after riot.

14 Mr. Schwartz says, Hey, all, I hope you are doing well. I reviewed these two  
15 screenshots of the Trump Make America Great Again Committee fundraising page from  
16 January 8th. Days after the riots that ensued on Capitol Hill, and following the election  
17 being certified by Congress, these two screenshots show that the committee continued to  
18 raise money off of the idea of the election being stolen, and encourage supporters to,  
19 quote, "keep fighting," unquote.

20 Why did the committee continue to raise money off of these points just 2 days  
21 after the riot and following President Trump conceding the election? Thank you.

22 And you respond that same -- about an hour later, we did not send anything, and I  
23 have WinRed forward all pages, to a generic basic, sustaining membership page.  
24 Checking on dates like specifics, but we should respond after I have that info. And then  
25 you respond, but another 45 minutes later with a timeline.

1           It's like the 6th, all fundraising sends/asks of any type were stopped. The 7th  
2 Midday: Decision made to direct all DJTFP and TMAGAC fundraising pages to a new  
3 generic/basic language, i.e., sustaining membership. Very late on the 7th, final page and  
4 language approved. 8th a.m., Redirect process started from literally thousands of  
5 pages, 8 p.m., process completed and pages shut not be navigable less any --

6           [REDACTED] Caching.

7           BY [REDACTED]

8           Q    Caching -- is that how you say that -- caching issues. I never was good with  
9 that word. It's important to note that no users were sent to any donation page once  
10 fundraising was stopped. And then Mr. Murtaugh responds to you, I would point out  
11 that we're not going to avoid a bad story here, timeline or not. Do you remember this  
12 exchange?

13          A    I don't, but yeah in reading it, but I don't recall it.

14          Q    Okay. Does it refresh your recollection now reading it?

15          A    Yeah.

16          Q    Okay. What did you understand Mr. Murtaugh to mean that we're not  
17 going to avoid a bad story here, a timeline or not?

18          A    This reporter is going to write a negative story about this, and they will -- you  
19 know, giving them the background of actually, no, we weren't still fundraising, we weren't  
20 soliciting will not change if this person is going to go forward with the piece no matter  
21 what.

22          Q    And the decision to stop fundraising, was that made by you, or did anyone  
23 higher up than you was involved in that discussion?

24          A    I believe it would have checked -- it would have talked with other people  
25 higher up, but the team could also have just said, you know, as we did previously, you

1 know, whenever there is some events, i.e., you know, a hurricane or something, we  
2 would stop for a geographic area. I don't know.

3 Q Are you saying the team had -- who had the authority to make a decision to  
4 stop that was beneath -- that was below you seniority-wise?

5 A I guess Austin and Kevin would surface it. Make Kevin go to Richard or me  
6 in those matters.

7 Q Can you think of a time when they stopped fundraising without coming to  
8 you?

9 A Nah. I don't think so. I think I was made aware.

10 Q Okay. So is it fair to say that every decision to make -- stop fundraising  
11 came through you at some point?

12 A Sometimes it was made without me, but not by team below me. Above  
13 me.

14 Q All right. And this instance here, do you recall anyone more senior than  
15 you being involved in the decision to stop fundraising?

16 A I don't recall.

17

BY [REDACTED]

18 Q You don't -- I'm sorry, you may have said this a moment ago, and I just didn't  
19 hear you, but do you remember where you were when you learned about what happened  
20 on January 6th?

21 A Yeah, I was in my bedroom.

22 Q Was it on the 6th?

23 A Yes. Yeah.

24 Q And do you remember how you learned?

25 A People messaging me on a signal.

1 Q Okay. And had the fundraising already stopped at that point?

2 A No.

3 Q No. Okay. So somebody presumably told you to stop fundraising?

4 A Someone made the suggestion, I believe, but I wasn't following it or  
5 watching it. I think, yeah, it might have been the group chat with the senior team. I'm  
6 not certain. I agree and others agreed is what I think occurred. It might have checked  
7 with like Richard or even said, hey, or either Kevin communicated or me, you know, going  
8 to stop fundraising. And I assume he -- I believe he probably said yeah.

9 Q Do you remember who was on that team in leadership group chat?

10 A Yeah, it should have been all the senior people that were in my senior digital  
11 staff.

12 Q Oh --

13 BY [REDACTED]

14 Q So like Daria --

15 A -- Kevin, Austin.

16 Q These are people who are reporting in to you?

17 A The digital senior staff that me amongst some others who they reported to.

18 Q But there's no one on digital senior staff that's more senior than you that  
19 you're talking about?

20 A Yes.

21 Q Yes to someone more senior, or yes you agree?

22 A As the overarching digital, yes, I'm the head of it. There is also RNC Digital,  
23 which has their own head also.

24 Q But was there someone more senior than you that weighed in on the  
25 decision to stop fundraising?

1 A I don't recall.

2 Q Would you have been in power to make the decision by yourself?

3 A Yes.

4 [REDACTED] You would have been allowed to say fundraising machine off?

5 Mr. Coby. Yeah, I think in an instance where it was -- we felt we should.

6

BY [REDACTED]

7 Q Is that because you felt it was an emergency?

8 A I don't know if that was the thought process. I don't believe that was the  
9 thought process, but I think it was clear what was happening was not good.

10 Q No I get that. What I'm saying is the decision to stop all fundraising for a  
11 billion-dollar machine is a not a light one, I presume, right? You weren't deciding -- it  
12 had to be a pretty --

13 A It stopped before.

14 Q What's another instance where it's been fully stopped?

15 A Emergencies.

16 Q Do you have an example?

17 A Hurricane, tornado, natural disaster, shooting.

18 Q So that is for a reasonable moment, right? So if there is a tornado in Baton  
19 Rouge, you don't want people of Baton Rouge getting a text?

20 A Yeah, I don't -- I don't know. You know, probably like, when Ruth Bader  
21 Ginsburg passed away, I am for certain we stopped -- I think we made the call to stop  
22 everything at that time.

23 Q And that was nationwide?

24 A Yes.

25 Q And did you make that call by yourself?

1           A    I believe the senior team discussed it and decided to, yes.

2           Q    I guess when you say -- well, when I think of the senior team, if you are the  
3 most senior person, I understand it's a collaborative discussion, but the most senior  
4 person is ultimately responsible. So it sounds -- is it fair to say you made the decision  
5 then?

6           A    I think it's -- it was a team discussion, and we all agreed with, and I agreed  
7 with, and therefore it happened. If I were to disagree, then, I probably would have got  
8 overruled by like a Richard or something, but we all agreed so that step was unnecessary.

9           Q    So you are saying Richard Walters can overrule you on whether the Trump  
10 campaign sends out text messages?

11          A    It's Make America Great Again Committee. You can send out fundraising  
12 appeals which is the RNC and DJFTP.

13

BY [REDACTED]

14          Q    So TMAGAC wouldn't have been able do it if RNC said no?

15          A    That's right.

16          Q    Trump would have -- no Save America or DGTFP at that point would have  
17 had to do it themselves?

18          A    Yes, ma'am.

19          Q    Okay.

20

BY [REDACTED]

21          Q    But there were fundraising appeals that Save America and the Trump site  
22 can make its own funding appeals at this time. Is that right?

23          A    Not on email. There were some texts, but we didn't operate that way.

24

BY [REDACTED]

25          Q    It was still TMAGAC as of June 6th?



1           A    That's for the vast majority of fundraising went into, except for channels  
2 where it couldn't because like short code rules.

3           Q    Got it.

4           BY [REDACTED]

5           Q    Do you recall any times of activity, calls for the fundraising emails to stop?

6           A    To stop fundraising?

7           Q    Yeah. For like an emergency?

8           A    To do it urgently.

9           Q    Yeah. And why is that?

10          A    Because what was occurring was not good.

11          Q    Was there any concern that the substance of the fundraising emails would  
12 exacerbate the situation?

13          A    That wasn't discussed.

14          [REDACTED] Sure. We can take a 5-minute break.

15          Mr. Nassikas. Let's just take a minute, and let's reorient and see.

16          [Recess.]

17          BY [REDACTED]

18          Q    And now we'll go back on the record.

19          We just wanted to follow up on just a couple of things. So earlier, we had talked  
20 with you about the call on January 5th that you had where Mr. Scavino called you and  
21 President Trump was on the phone. I wanted to be -- I know that this was over a year  
22 ago, so I am just trying to get your best recollection of that call. The impression that we  
23 have last time when we talked to you was that there was something in that call, the notes  
24 we had, there was something in that call where the impression we got from you was that  
25 they were calling to ask you like if something happened tomorrow, would he get kicked

1 off the platform before he was done being President, because the --

2 And I don't know if we misunderstood what you were saying, but for some reason  
3 there was an impression that they were calling you to say, hey, if something happened  
4 tomorrow, would we really get off -- would I really get kicked off the platform off of  
5 Twitter while he was President? Because he still had 2 weeks roughly at Presidency left.  
6 Was that our misunderstanding --

7 A Yeah, I don't -- I don't feel I tried -- that did not -- that was not the topic  
8 whatsoever.

9 Q Do you remember sitting here today, can you remember anything in that call  
10 that gave you the impression that they were concerned about something imminently  
11 happening?

12 A No, I didn't think anything of it in terms of tomorrow.

13 Q Yeah, no, no, no. I understand that you had no idea about what was  
14 happening on January 6th, these two gentlemen did. So what I'm asking you isn't what  
15 your impression is like sitting here now, what I am asking to you remember is can you  
16 remember, to the extent that you can, their conversation, did you get a sense of a reason  
17 to be concerned? Like why they're calling you on January 5th having never asked you  
18 this before? Why are they concerned that he can get kicked off of Twitter?

19 A No, and I don't think there was anything relative to like the next day  
20 whatsoever.

21 Q Why do you say that?

22 A Because they didn't say anything in relation to that whatsoever.

23 BY [REDACTED]

24 Q Did you have an understanding that he was concerned that you could get  
25 kicked off Twitter before his Presidency ended?

1           A    I don't believe that was -- well, back in the campaign days, you know, I think  
2           that was like -- you know, he talked about it, and the campaign talked about that  
3           potentially happening.

4           Q    Well, let's go back to this time period.

5           A    Okay.

6           Q    Because like you said, there is lots of -- Twitter's put misinformation labeling  
7           on his tweets, his tweets have otherwise been restricted. So thinking about what's  
8           happened thus far, he simply is preparing or been thinking about this for years, was  
9           there -- was part of that discussion -- was there any part of that that was about potential  
10          action Twitter would take prior to his Presidency being ending?

11          A    They may have asked that. I don't recall for certain. If they would have, I  
12          would have said I don't think they will, because I don't think they would -- you know, they  
13          haven't yet, right. And, you know, they got a couple of weeks. So I think they'll do it  
14          post election.

15               BY [REDACTED]

16          Q    Do you remember talking with Jared Kushner on the phone around  
17          January 6th?

18          A    [REDACTED]  
19          [REDACTED]

20          Q    [REDACTED]

21          A    Yeah.

22          Q    But you don't remember having a phone call to discuss like stopping  
23          fundraising with him?

24          A    I don't think so.

25          Q    Okay.

1 Mr. Nassikas. Do you have record of calls on January 6th?

2 [REDACTED] I was trying to look for that.

3 Mr. Nassikas. Okay.

4 [REDACTED] But the one that I have is the wrong timeframe.

5 Mr. Nassikas. Okay.

6 [REDACTED] But if the calls were about [REDACTED] and that's what he  
7 remembers, it's really more about what he remembers than the times of the calls.

8 Mr. Nassikas. Yeah. Okay.

9 BY [REDACTED]

10 Q Did the President want to start this platform because he thought he would  
11 be getting kicked off Twitter?

12 A I'm sure that's a big part of the motivation. Most likely, but he didn't tell  
13 me that.

14 BY [REDACTED]

15 Q Why do you think he was worried about getting kicked off of Twitter?

16 A Because everyone told him he was going to get kicked -- you know, it's been  
17 kind of the echo that's been existing for years.

18 Q I mean, why does it matter if he gets kicked off of Twitter?

19 A Maybe he enjoyed Twitter -- or enjoyed Twitter as a past-time.

20 Q Was it really like a big deal like for him not to be able to tweet?

21 A I think that's probably a good question for him. I don't mind.

22 Q Well, I guess, you know, from a fundraising perspective -- like did it matter  
23 functionally him getting kicked off of Twitter for anything other than his enjoyment of it?

24 A I think that was the tool he used probably to create in terms of  
25 communicating a message widely.

1 Q To, I'm sorry, I --

2 A Great impact.

3 Q Okay.

4 A I mean, you know, anything he tweeted, they would put on the TV  
5 everywhere. So I think it was utilized in a way that helped to win in 2016 and, you  
6 know, throughout good or bad.

7 Q Was that his biggest platform in terms of reach?

8 A That he personally used, but Facebook, I think, had much greater reach. It  
9 did.

10 Q But he didn't have like a --

11 A He didn't post on that like personally.

12 Q Right.

13 A He didn't really doing any of that.

14 Q Okay. Okay. So, yeah, his identity in terms of social --

15 A I think that was his only platform that he used.

16 Q -- was Twitter?

17 A Yeah.

18 Q Okay. So his voice to the world, effectively, was Twitter, and he was  
19 worried that would get shut off?

20 A Yeah, that was mechanism to go communicate broadly without having to go  
21 through a media filter.

22 Q That makes sense. Okay.

23 Mr. Nassikas. And then I think you have heard before those tweets often would  
24 inform communications, copy, et cetera. It's kind of raw material to riff off of.

25 BY [REDACTED]

1           Q    So being concerned about getting kicked off Twitter was actually not actually  
2 an unreasonable concern for him?

3           A    Correct. I think he really liked using Twitter.

4           Q    That was abundantly clear. Okay. I think -- okay.

5           [REDACTED] Well, I think that ends the transcribed interview. Thank  
6 you, Mr. Coby, for taking out the time and preparing voluntarily. And thank you,  
7 gentlemen, for being so professional. I think we can go off the record now. Thank  
8 you.

9           [Whereupon, at 3:26 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Date